

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.6062 OF 2017

ORDER:

Petitioner, who is A9 in Cr.No.3 of 2017, on the file of Station House Officer, Kanipakam Police Station, Chittoor District, registered for the offences punishable under Sections 420, 384 and 120-B r/w 34 IPC, filed this petition under Section 438 Cr.P.C. seeking anticipatory bail.

2. Heard the learned counsel for the petitioner. Learned Additional Public Prosecutor, representing the State of Andhra Pradesh opposed the bail application.

3. The facts leading to filing of the present petition are briefly as follows: The petitioner along with others formed as a group and induced the public that they will give new currency notes in exchange of old currency notes. On 04-01-2017, the petitioner along with others went to Coconut garden situated in Z.P. High School, Agarampalli village, Chittoor District and snatched Rs.9,00,000/- from the de facto complainant and went away.

4. A perusal of the record reveals that the learned IX Additional District and Sessions Judge, Chittoor, dismissed CrI.M.P.No.933 of 2017 on 24-04-2017 and CrI.M.P.No.1109 of 2017 on 15-05-2017, filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail.

5. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of offence. While deciding the petition under Section 438 Cr.P.C., the Court has to take into consideration the conduct of the petitioner. In the instant case, the petitioner with an intention to cheat

the de facto complainant taken away an amount of Rs.9,00,000/-.

6. Learned counsel for the petitioner as well as the learned Additional Public Prosecutor submitted that A1 and A2 were arrested on 08-01-2017 and A4 to A8 were arrested on 21-03-2017 and subsequently they were released on regular bail. A perusal of the record reveals that A3 is absconding. The petitioner herein belongs to Karnataka State. Merely because the amount was recovered from A4 that itself will not confer any right on the petitioner to seek anticipatory bail. The Court has to take into consideration the impact of the alleged offence on the society.

7. Taking into consideration the nature of the offences alleged to have been committed by the petitioner and the stage of investigation, I am of the considered view that it is not a fit case to grant bail to the petitioner at this stage.

8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

DATED:23-08-2017.

Hsd