

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9123 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.3, under Section 438 Cr.P.C., seeking pre-arrest bail in Crime No.57 of 2017 on the file of Station House Officer, Kondapuram Police Station, S.P.S.R., Nellore District, registered for the offences punishable under Sections 447, 427 and 379 IPC and Section 21 (4) and 21 (1) of the MMDARA Act and Section 3 of PDPP Act.

2. Learned counsel for the petitioner submitted that accused Nos.1, 2 and 4 were released on regular bail. He further submitted that the petitioner was falsely implicated in this case.

3. Learned Additional Public Prosecutor submitted that the allegations made in the complaint *ex facie* constitute the offences alleged to have been committed by the petitioner.

4. The case of the prosecution is that the petitioner along with other accused excavated sand from Pillavagu without any right whatsoever. It is further case of the prosecution that the petitioner along with others dumped 275 trucks of sand to sell the same for unlawful gain. Basing on the complaint lodged by the Panchayat Secretary, police registered the above case.

5. The petitioner filed CrI.M.P.No.898 of 2017 on the file of I Additional District and Sessions Judge, Nellore, and the same was dismissed on 13.09.2017.

6. A perusal of the record reveals that the petitioner along with others excavated sand from Pillavagu without any right whatsoever. The record *prima facie*, reveals the role played by the petitioner in the commission of offence. Merely because accused Nos.1, 2 and 4 were released on regular bail that itself is not a valid ground to grant pre-arrest bail to the petitioner.

7. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed.

October 04, 2017
YVL

T.SUNIL CHOWDARY, J



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Date:04.10.2017