

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.4761 of 2017

ORDER:

1 This criminal petition is filed, by the petitioner/A.1, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.4 of 2017 on the file of the Station House Officer, Sathyavedu Police Station, Chittoor District, registered for the offences punishable under Sections 379 of IPC and Section 21(1) and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 and Rule 26(1) of the Water Land and Trees Rules, 2002.

2 The learned counsel for the petitioner/A.1 strenuously submitted that due to political rivalry, A.2 and A.3 falsely implicated the petitioner in this case. He further submitted that the petitioner did not involve in similar type of cases, therefore, this is a fit case to grant anticipatory bail to the petitioner.

3 *Per contra*, the learned Additional Public Prosecutor for the State of Andhra Pradesh submitted that A.2 and A.3 were transporting sand from the State of Andhra Pradesh to the State of Tamilnadu at the instance of the petitioner/A.1. He further submitted that the allegations made in the complaint *prima facie* constituted the offences alleged to have been committed by the petitioner, therefore, it is not a fit case to grant anticipatory bail to the petitioner.

4 The facts leading to the filing of the present petition, briefly, are as follows:

5 One N.Shanmugam, Head Constable of Sathyavedu Police Station, lodged a complaint to the Station House Officer, Sathyavedu Police Station, who in turn registered case in Cr.No.4 of 2017 against the petitioner/A.1 and two others for the aforesaid offences. In the said complaint it is alleged that on 20.01.2017 at about 8.00 a.m., A.2 and A.3 were transporting sand at the instance of A.1 from the State of Andhra Pradesh to the State of Tamilnadu via Balakrishnapuram to sell the same at higher rate. On the same day, the police seized tractors bearing Nos.AP 03 W 6563 and AP 05 TB 8406. The petitioner filed CrI.M.P.No.874 of 2017 on the file of the V Additional Sessions Judge, Tirupati, and the same was dismissed on 26.04.2017.

6 A perusal of the C.D file produced by the learned Additional Public Prosecutor discloses that the police recorded the statements of A.2 and A.3 on 20.01.2017 on the spot itself. In view of the statements of A.2 and A.3, at this stage, I am not inclined to accede to the contention of the learned counsel for the petitioner/A.1 that A.2 and A.3 falsely implicated the petitioner. Simply because the tractors seized are not in the name of the petitioner himself, that itself is not a valid ground to grant anticipatory bail to the petitioner.

7 A perusal of the record reveals that A.2 and A.3, who were remanded to judicial custody on 20.01.2017, were released on bail. Further, in their statements, A.2 and A.3 clearly stated that the petitioner/A.1 is their owner and that they were transporting sand from the State of Andhra Pradesh to the State of Tamilnadu at the instruction of the petitioner/A.1.

8 Having regard to the facts and circumstances of the case and the nature of offences alleged to have been committed by the petitioner, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioner and hence this petition is liable to be dismissed.

9 In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 04.08.2017

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