

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6451 of 2017

ORDER:

1 This Criminal Petition is filed, by the petitioner/A.4, under Section 438 Cr.P.C., seeking anticipatory bail in Crime No.110 of 2017 on the file of the Station House Officer, Aswaraopeta Police Station Khammam district, registered for the offences punishable under Sections 420 of IPC and Sections 7 and 8 of Essential Commodities Act.

2 The learned counsel for the petitioner submitted that the investigating agency has already seized rice, therefore, it is a fit case to grant pre-arrest bail to the petitioner.

3 Per contra, the learned Additional Public Prosecutor submitted that the petitioner indulged in black marketing the PDS rice, therefore, it is not a fit case to grant pre-arrest bail to the petitioner.

4 It is the case of the prosecution that the petitioner purchased 100 quintals of PDS rice from accused Nos.2 and 3 at Mahabubabad near Bachirai Thanda in the State of Telangana and loaded the same in the lorry bearing No.AP 27 X 6459 and transporting the same to Koyalgudem of the State of Andhra Pradesh in order to sell it at higher rate. However, the said lorry fell in a canal near Aswaraopeta, again with the help of the other accused, the paddy was loaded into another lorry bearing No.AP 05 V 3099 and in the meanwhile, the officials intercepted the lorry.

5 The petitioner filed CrI.M.P.No.854 of 2017 under Section 438 Cr.P.C. on the file of the Court of the Principal District & Sessions Judge, Khammam and the same was dismissed on 18.07.2017.

6 A perusal of the record reveals that the accused Nos.1 to 3 were transporting PDS rice from the State of Telangana to the State of Andhra Pradesh at the directions of the petitioner. A perusal of the record prima

facie reveals that the petitioner is purchasing PDS rice in order to sell the same at higher rates in the open market.

7 A perusal of the record prima facie reveals the role played by the petitioner in commission of the alleged offence. At the time of arguments, the learned counsel for the petitioner as well as the learned Additional Public Prosecutor submitted that accused Nos.1 to 3 were arrested and released on regular bail. Merely because the other accused were released on regular bail, that itself is not a valid ground to grant anticipatory bail to the petitioner without taking into consideration the gravity of the offence alleged.

8 Taking into consideration the gravity of the offence alleged to have been committed by the petitioner and the stage of the investigation, this court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioner.

9 In the result, the petition is dismissed.

Date: August 28, 2017

Kvsn

T.SUNIL CHOWDARY, J

