

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11463 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused No.3 for grant of anticipatory bail in the event of his arrest in connection with Crime No.237 of 2017 of Dachepalli Police Station, Guntur District, registered for the offences punishable under Sections 447 and 379 I.P.C., Section 20 (1) c (ii), (iv), (v) of A.P. Forest Act, 1967, Section 3 of PDPP Act and Sections 20 and 21 of Indian Treasure Trove Act, 1878.

2. Heard learned counsel for the petitioner/accused No.3, learned Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and falsely implicated in this case. Accused Nos.1 and 2 were arrested and sent to judicial custody and ultimately, prayed to allow the application.

4. Learned Public Prosecutor opposed the grant of bail to the petitioner/accused No.3.

5. The material on record reveals that on 11.11.2017 at 04:00 PM, when the Sub-Inspector of Police, Dachepally, along with his crew was searching, they stopped the auto bearing No.AP-07-TD-2871, wherein they found the petitioner and accused Nos.1 and 2. The police got hold of accused Nos.1 and 2 on that day and recovered seven gunny bags consisting white crystal stones. The same was seized under a cover of

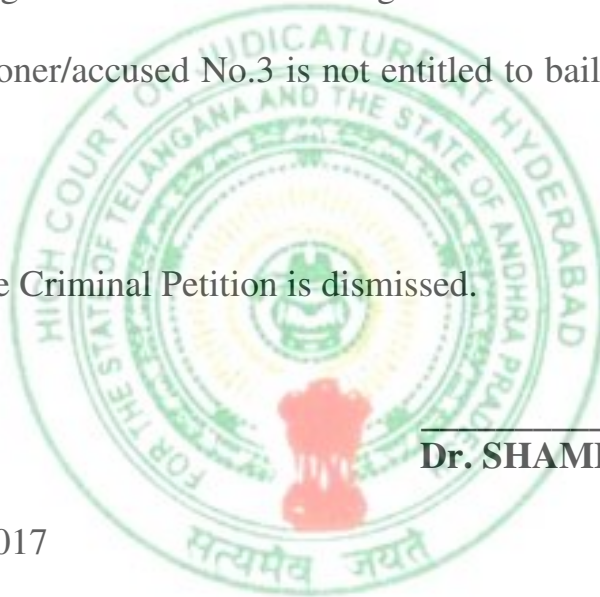
panchanama. Petitioner/accused No.3 escaped from the police custody. There is also material to show that the stones were dug out from the forest and were being transported by the petitioner and accused Nos.1 and 2. The petitioner and other accused indulged in selling of those precious stones. It is also submitted that similar case was registered against the petitioner in Crime No.106 of 2016 of the file of the same Police Station. As the allegations are grave and serious in nature, it cannot be said that the petitioner is an innocent person and falsely implicated in this case.

6. Having regard to the nature of allegations and the material collected so far, the petitioner/accused No.3 is not entitled to bail under Section 438 Cr.P.C.

7. Hence, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

December 06, 2017
MD



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