

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Criminal Petition No.2994 of 2018

ORDER:

This Criminal Petition, under Sections 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.20, for grant of pre-arrest bail apprehending his arrest in connection with Crime No.3 of 2018 on the file of Peddakadubur Police Station, Kurnool District, registered for the offences punishable under Sections 419, 420, 454, 380, 120-B, 109 read with 34 of I.P.C.

2. Heard, the learned counsel for the petitioner/A.20, learned Public Prosecutor for the State of Andhra Pradesh representing the respondent-State and perused the record.

3. The case of the prosecution, in brief, is that on 31.01.2018, at about 1:45 PM, six persons came to the house of the de-facto complainant representing themselves as Government officials and enquired about the properties possessed by her family members. The de-facto complainant explained about the properties for which, they started writing down the details and asked as to how many people are living in the house. In the meanwhile, some of them asked the sister of the de-facto complainant to open the trunk boxes etc., and after seeing that, they stated that they came to the house of the de-facto complainant by mistake and went away. In the meanwhile, another sister of the de-facto complainant came and asked as to why those six persons came to the house. In the meanwhile, their daughter-in-law Sangeetha came and informed that the other door of the room was open and found that trunk box

and suitcase were opened, articles and clothes were found thrown on the floor. It was found that Rs.20,000/- cash, 30 grams of gold and about 50 grams of silver articles were missing. Then, they realised that those six persons, who came to their house, have committed theft of the said articles. Basing on the report lodged with the police by the de-facto complainant, the police registered the instant crime, issued First Information Report and started investigation.

4. The petitioner/A.20, apprehending his arrest in the instant crime, filed this Criminal Petition seeking pre-arrest bail, mainly on the ground that he is no way concerned with the alleged incident. He is the native of Thummila Village of Jogulamba Gadwal District, and that he is an agriculturist with clean record. A.1 and the petitioner/A.20 are classmates in the school at Kurnool and being school classmates, they used to meet now and then and except that, he is no way concerned with the unlawful activities of A.1. No specific overt acts are attributed against him. He is unnecessarily enroped as accused No.20 in the instant crime even though no case is made out against him and prayed to enlarge him on bail in the event of his arrest in connection with Crime No.3 of 2018 on the file of Peddakadubur Police Station, Kurnool District, registered for the offences punishable under Sections 419, 420, 454, 380, 120-B, 109 read with 34 of I.P.C.

5. During hearing, Sri K.Rathanga Pani Reddy, learned counsel for the petitioner/A.20 reiterated the grounds urged in the Criminal Petition and contended that there are no allegations against the petitioner/A.20. In the absence of any specific allegations against

the petitioner/A.20, more particularly about the commission of theft etc., he cannot be enroped with the alleged offence and prayed to enlarge the petitioner/A.20 on pre-arrest bail.

6. The learned Public Prosecutor for the State of Andhra Pradesh representing the respondent-State opposed the relief sought by the petitioner/A.20 on the ground that investigation is not completed and that the material collected so far by the investigating agency clearly discloses the participation of the petitioner/A.20 in commission of offences alleged against him and prayed to dismiss the Criminal Petition.

7. As seen from the material on record, A.1 to A.6, along with the other accused, committed grave offences in disguise, claiming that they are Government Officials and made the inmates of the house to open the trunk boxes etc., and snatched away cash, gold and silver articles etc. But what is the role played by the petitioner/A.20 in the alleged offence is not known as on today, as per the material produced before this Court. But, based on the call data of A.1, the petitioner/A.20 is also made an accused in the instant crime. That apart, the confessional statements of the witnesses recorded by the police under Section 161 of Cr.P.C., also directly points out the complexity of the petitioner/A.20 in the instant crime. Moreover, the call data of Samsung Duos Phone belonging to the petitioner/A.20 discloses no connection between the petitioner/A.20 and A.1. Therefore, at this stage, in view of the reasons assigned supra, it is difficult to direct the Station House Officer, Peddakadubur Police Station, Kurnool District, to enlarge the petitioner/A.20 on bail in the event of his arrest in

connection with Crime No.3 of 2018 on the file of Peddakadubur Police Station, Kurnool District, registered for the offences punishable under Sections 419, 420, 454, 380, 120-B, 109 read with 34 of I.P.C.

8. In the result, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

M.Satyanarayana Murthy, J

27th March, 2018
Bvv

