

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9284 of 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C. by the petitioner/ A1, seeking release in the event of his arrest in connection with Crime No.296 of 2018 on the file of Kavali II Town Police Station, SPSR Nellore, registered for the offence punishable under Section 353 I.P.C.

2. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State and perused the FIR, bail application averments, dismissal order of the learned Sessions Judge in CrI.MP.No.1790 of 2018 dated 14.08.2018, the remand report of A2, who was arrested and enlarged on bail and the Case Diary.

3. The sum and substance of accusation is that three persons obstructed the de facto complainant, when he was proceeding to duty being Beat Officer of Kavali Forest Beat along with DET Section Officer, M.Prathyusha on 25.07.2018, when they were going to verification of the forest plantation at P.G.Centre, Kavali at Vikramasimhapuri at about 4.30 p.m. on that day and the accused were consuming liquor and on seeing them, questioned as to where they were going and were informed they are the forest officers, however, the accused obstructed knowingly and attacked and when the Forest Protection Society Members came there, one of the

accused fled away in an auto and two others on bike. Among them, one of the accused is the petitioner herein by name Prasanna Kumar belongs to BJP Party.

4. A perusal of the Case Diary shows that the petitioner herein is already involved in three more crimes viz., 161 of 2018; 234 of 2018 of I Town Police Station, Kavali; and 1 of 2018 of II town Police Station, Kavali.

5. Having regard to the above, the petitioner is not entitled to the concession of anticipatory bail. However, the fact remains that the offence punishable is maximum three years, thereby, Police strictly follow Section 41-A Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

7. Consequently, miscellaneous petitions, if any shall stand closed.



JUSTICE Dr. B.SIVA SANKARA RAO

Date:10.09.2018
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