

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION Nos.10638 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner for grant of bail in Crime No.21 of 2018 of Sri City Hi-tech Police Station, Chittoor District registered for the offences punishable under Sections 379, 21(1), 21(4) of M.M.D.A.R. Act, 1957.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

Learned counsel for the petitioner would submit that one V.Dinesh, driver of the tractor belonging to the petitioner, was caught by the police while transporting sand. He further submits that the petitioner has neither instructed nor has knowledge with regard to the alleged transportation of sand by the driver illegally. The petitioner is apprehending arrest in the subject crime and prayed to allow the petition.

Learned Additional Public Prosecutor opposed the grant of bail to the petitioner and contended that at the instance of petitioner, one V.Dinesh was transporting sand by tractor bearing No.AP03 BK 2323 belonging to the petitioner herein.

As per the material available on record, the driver of the tractor bearing No.AP03 BK 2323, viz., V.Dinesh was caught by the police while transporting sand from Aruru village to a village situated at Tamilnadu State without there being a permit/licence. There is no dispute that the petitioner is the owner of the tractor bearing No.AP03 BK 2323. During the investigation, it has come up that the petitioner is the person behind the alleged transportation of sand

from Aruru village to a village situated at Tamilnadu State without permit/licence. The accused No.1 is the brother of petitioner/A.2. The allegations do require thorough investigation. It cannot be said that the petitioner is not responsible for the alleged illegal transportation of sand. It is not a fit case to grant anticipatory bail.

The Criminal Petition is dismissed, accordingly.

DR. SHAMEEM AKTHER, J

Date: 22.10.2018
ssp

