

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11252 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of anticipatory bail in the event of his arrest in Crime No.128 of 2018 of Allavaram Police Station, East Godavari District, registered for the offences punishable under Sections 379 and 120B I.P.C; Section 25(1)(A) of the Arms Act, 1951, Section 15(2) of the Minerals and Pipelines Act, 1962, Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 7 of the Essential Commodities Act, 1955.

2. Heard the learned counsel for the petitioner/accused, the learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. Learned counsel for the petitioner/accused would contend that the name of the petitioner/accused has come up in the course of investigation in the confession made by some of the accused who were arrested in the subject crime; that the petitioner/accused is in no way connected to the sale or purchase of crude oil and further, he is not connected with extracting crude oil from ONGC pipeline; that all the allegations are absolutely false and ultimately, prayed to allow this application.

4. On the other hand, the learned Additional Public Prosecutor vehemently opposed the grant of anticipatory bail to the petitioner/accused and contended that the shed of the

petitioner/accused is situated by the side of the ONGC pipe line; that the petitioner/accused started putting holes to the pipeline, started extracting crude oil and selling the same to different persons, and some oil was sold in the open market; that the allegations against the petitioner/accused are grave and ultimately, prayed to dismiss this application.

5. As per the material placed on record, the investigation conducted so far and confessional statements made by some of the accused in this crime reveal that the petitioner/accused has got a shed adjacent to ONGC pipeline and with the help of others, he started taking out the crude oil from ONGC pipeline, filling it in tankers and selling the same to different persons. It is also alleged that some oil was sold in open market. The allegations against the petitioner/accused are specific and grave. The matter requires thorough custodial investigation. Release of the petitioner/accused on bail would hinder the investigation. There is apprehension of winning over the witnesses and causing disappearance of the material evidence. Viewed from any angle, it is not a fit case to allow this application under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

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

DR.JUSTICE SHAMEEM AKTHER

Date : 01.11.2018
AMD

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