

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11466 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.4, for grant of bail in Crime No.129 of 2018 of Mellacheruvu Police Station, Suryapet District, registered for the offences punishable under Section 420 of I.P.C. and Section 7 of Essential Commodities Act.

2. Heard the learned counsel for the petitioner/A.4 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is the driver of the vehicle bearing No.TS-05-UA-7531. He has nothing to do with the alleged transportation of PDS rice by that vehicle. He is falsely implicated in this case. The other accused in this case i.e., A.1 to A.3 were granted regular bail.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.4.

5. As per the material placed on record, on 09.10.2018, during morning hours one Bolero vehicle bearing No.TS-05-UA-7531 was found loaded with 30 bags of PDS rice. In the course of investigation, it has come up that Bokya Rambabu and Shaik Shabera purchased PDS rice from the poor ration card holders of the surrounding areas at Rs.8/- per kg and sold the same to one Ramesh Babu at Rs.10/- per kg. Further, the said Ramesh Babu used to sell the said rice to T.Srinivasa Reddy of Mattapalli Village and as such, they are getting wrongful profit by selling PDS rice. The said Bolero vehicle is said to have been used for transportation of PDS rice by T.Srinivasa Reddy and the petitioner/accused is said to be the driver

of the Bolero vehicle. When the police stopped the said Bolero vehicle and found it loaded with 30 bags of PDS rice, the petitioner/A.4 ran away from the scene of offence. Under these circumstances, it cannot be said that the petitioner/A.4 is not aware of the illegal transportation of PDS rice. The petitioner/A.4 is partner in crime. The rice meant for public use is being diverted to make illegal gain. The allegations are grave and specific against the petitioner/A.4. Therefore, he is not entitled for bail under Section 438 Cr.P.C.

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

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

Date: 06.11.2018
ssp

DR. SHAMEEM AKTHER, J

