

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11532 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of bail in O.R.No.56 of 2018-19 of Forest Range Officer, Rajampet Range, registered for the offences punishable under Sections 20(1)(c)(ii)(iii)(iv)(x), 20(ii)(b), 44 and 60 of APF Act, 1967 and under Rules 3 and 4 of the A.P. Sandal Wood and R.S. Transit Rules, 1969 and under Rule of APRS Wood Possession Rules, 1989, under Sections 107 and 379 of IPC and under Section 17D, 17H, 29 of Wildlife (Protection) Act, 1972 and as per the A.P. Forest (Amendment) Act, 2016 (AP Act No.15 of 2016) *vide* G.O.Ms.No.49 EFS & T dated 25.05.2016.

2. Heard the learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/A.1 would submit that the petitioner is implicated pursuant to the confession made by the co-accused. The petitioner is not responsible for cutting of the sandalwood and falsely implicated in this case. His interest is required to be protected and ultimately, prayed to allow the petition.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.1 and contended that the petitioner/A.1 was a Beat Officer in Forest Department. Previously, a similar case in O.R.No.198 of 2012-13, Forest Range Officer, PKD was registered against him and he was terminated from service. In spite of that, he is indulging in cutting of sandalwood illegally and

also contended that the crime is under investigation and ultimately, prayed to dismiss the appeal.

5. Basing on the confession made by A.2, the petitioner is shown as A.1 in this case. The allegation against the petitioner/A.1 is that he involved in cutting of the sandalwood logs as detailed below:-

- 1) $139 \times 45 = 27$ kgs
- 2) $145 \times 43 = 27$ kgs
- 3) $147 \times 45 = 32$ kgs
- 4) $92 \times 53 = 28$ kgs

114 kgs	Price value : Rs.41,727/-
---------	---------------------------

There are specific and grave allegations. Whether the petitioner/A.1 was involved in the subject crime or not, is a matter of thorough investigation. It cannot be said at this stage, that the petitioner is an innocent person and falsely implicated in this case. The private interests of the petitioner/A.1 cannot be protected over public interest.

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

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

DR. SHAMEEM AKTHER, J

Date: 12.11.2018
ssp