

**HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH  
WEDNESDAY, THE THIRD DAY OF JANUARY,  
TWO THOUSAND AND EIGHTEEN  
:PRESENT:**

**THE HON'BLE DR JUSTICE SHAMEEM AKTHER**

CRLP .NO:12712 of 2017

Between:

V. Rajesh, S/o. Venkatesan,

..... Petitioner/Accused No.2

AND

The State of A.P Rep. by its Public Prosecutor,  
High Court at Hyderabad, Through the Station House Officer,  
Chillakur Police Station,SPSR Nellore District.

.....Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the memo of grounds filed herein, the High Court may be pleased may be pleased to direct to enlarge the Petitioner/Accused No. 2 on bail in the event of his arrest in connection with Crime No. 316 of 2017 of Chillakur Police Station, SPSR Nellore District.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed herein, and upon hearing the arguments of Sri Kambhampati Ramesh Babu, Advocate for the Petitioner, and of Public Prosecutor (AP) for Respondent, the Court made the following.

**ORDER:**

This Criminal Petition is filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner-A.2 in Crime No.316 of 2017 of Chilakur Police Station, SPSR Nellore District, registered for the offences punishable under Sections 379, 186, 420, 406, 120B I.P.C. r/w Section 34 I.P.C. and Section 21(4) of the Mines, Minerals (Development and Regulation) Act, 1957.

2. Heard the learned counsel for the petitioner-A.2 and the learned Additional Public Prosecutor appearing for the respondent-State, apart from perusing the material available on record.

3. Learned counsel for the petitioner-A.2 would submit that the lorry bearing No.AP 27TX 4569, by which the alleged transportation of Silica sand was made, does not belong to the petitioner-A.2; as per the RC book of the vehicle, it belong to Subbirami Reddy Daggumati; this petitioner-A.2, even would not claim the lorry from the concerned Court and he has nothing to do with the alleged transportation of Silica sand; and ultimately, prayed to allow this application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A.2 under Section 438 Cr.P.C.

5. As per the copy of the Vehicle Registration Search, the subject lorry bearing No.AP 27TX 4569 stands in the name of one Subbirami Reddy Daggumati. The submission made on behalf of the petitioner-A.2 cannot be discarded in view of the above certification. In view of the submission of the learned counsel for the petitioner-A.2 that the petitioner-A.2 would not claim the lorry in due course, this petitioner-A.2 is entitled to bail under Section 438 Cr.P.C.

6. In the result, the petitioner-A.2 is directed to surrender before the Station House Officer, Chilakur Police Station, SPSR Nellore District, within a period of 15 days from today. On such surrender, the Station House Officer, Chilakur Police Station, shall release the petitioner-A.2 on bail on the petitioner-A.2 executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the said S.H.O. On release, the petitioner-A.2 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. and cooperate with the investigating officer. The petitioner-A.2 shall also attend before the Station House Officer, Chilakur Police Station, on every Sunday between 9-00 a.m. and 10-00 a.m. till filing of the charge sheet.

7. Accordingly, this Criminal Petition is allowed.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Additional Judicial Magistrate of First Class, Guduru, Nellore District
2. The VII Additional Sessions Judge, Guduru, Nellore District
3. The Station House Officer, Chillakur Police Station, SPSR Nellore District.
4. Two CCs to Public Prosecutor (AP), High Court, Hyderabad (OUT)
5. One CC to Sri Kamhampati Ramesh Bau, Advocate (OPUC)
6. One spare copy

Skm

**HIGH COURT**

**DR. SA,J**

**Drafted by: skm  
Drafted on: 04-1-2018**

**DATE: 03-01-2018**

**ORDER**

**CRL.P. No. 12712 of 2017**



**DIRECTION**