

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No. 24708 OF 2017

ORDER:

This petition is filed, under Section 438 of the Criminal Procedure Code, 1973 (for short, 'Cr.P.C.'), seeking for grant of anticipatory bail to the petitioner-accused in crime No. 163 of 2017 of Chimakurthy Police Station, Prakasam District.

2. Heard learned counsel for the petitioner and learned Public Prosecutor (A.P.).

3. Learned counsel for the petitioner submits that the petitioner and the *de facto* complainant are brothers and that the allegation in the complaint, that the petitioner is a supervisor is absolutely false. He has also filed a partnership deed, showing that both the petitioner and the *de facto* complainant are partners. Be that as it may, the allegation is that the petitioner moved trucks and other machinery to his own firm.

4. Learned Public Prosecutor submits that the investigation is not yet completed and recovery of machinery also has to be made, if that is found to be true.

5. Hence, considering that the investigation is still at the initial stage, this Court opines that grant of anticipatory bail at this stage is not advisable.

6. The criminal petition is accordingly dismissed but however considering that the punishment for the offences alleged is below seven years, the police are directed to follow the procedure under Section 41-A Cr.P.C.

7. Pending miscellaneous petitions if any shall stand dismissed in consequence.

20-02-2018.
JSK

T. RAJANI, J

