

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

MONDAY THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND EIGHTEEN

PRESENT

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 24709 OF 2017
AND
CRIMINAL PETITION NO. 24710 OF 2017

Between:

V. Rajesh

...

Petitioner/A-2 in Cr.No.470/17
Petitioner/A-4 in Cr.No.471/17
of Sullurpet Police Station
SPSR Nellore district

V/s.

The State of Andhra Pradesh
Represented by the Public Prosecutor
High Court of Judicature for the State of
Telangana & Andhra Pradesh,
Through Station House Officer,
Sullurpet Police Station,
SPSR Nellore district,
Andhra Pradesh State.

...

Respondent/complainant

Counsel for the Petitioner :

Sri Kambhampati Ramesh Babu

Counsel for the Respondent :

Public Prosecutor [AP]

The court made the following:

[Common Order follows]

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 24709 OF 2017
AND
CRIMINAL PETITION NO. 24710 OF 2017

COMMON ORDER :

These Criminal Petitions are filed by the petitioner under section 438 Cr.P.C., seeking grant of anticipatory bail to the petitioner, who is A-2 in Crime No. 470 of 2017 and A-3 in Crime No. 471 of 2017 of Sullurpet Police Station, SPSR Nellore district, Andhra Pradesh State, registered for the offences punishable under section 379, 420 of I.P.C. and section 21 [4] of Mines, Minerals [Development and Regulation] Act, 1957 and section 3 of Prevention of Damage to the Public Property Act.

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

3. The case of the petitioner is that this petitioner was transporting sand illegally to outside the State.

4. The contention of the petitioner's counsel is that the petitioner is only an owner of the lorries bearing No. AP-TX-6769 and AP-27-TX-7179 and he cannot be said to be responsible for transporting the sand illegally.

5. The learned Additional Public Prosecutor submits that the petitioner is a habitual offender. The fact that there are two cases in which the petitioner is involved in the alleged offences as A-2 and A-4 and that in one case he not only transported the sand illegally but also in connivance with the other accused dealing in illegal sand business outside the State is brought to the notice of this Court by the learned Public Prosecutor.

6. After hearing both sides, this Court finds that it is not a fit case to grant anticipatory bail to the petitioner in both the crimes. The petitioner can surrender before the regular court and seek regular bail. It is made clear that on such surrender of the petitioner, the lower court is directed to dispose of the bail applications on merits and in accordance

with law, as expeditiously as possible, preferably on the same day,
subject to the pressure of other regular work.

7. Hence, in view of the above, these Criminal Petition are
dismissed with the above direction.

8. As a sequel, miscellaneous petitions if any, pending in this
Criminal Petition shall stand closed.

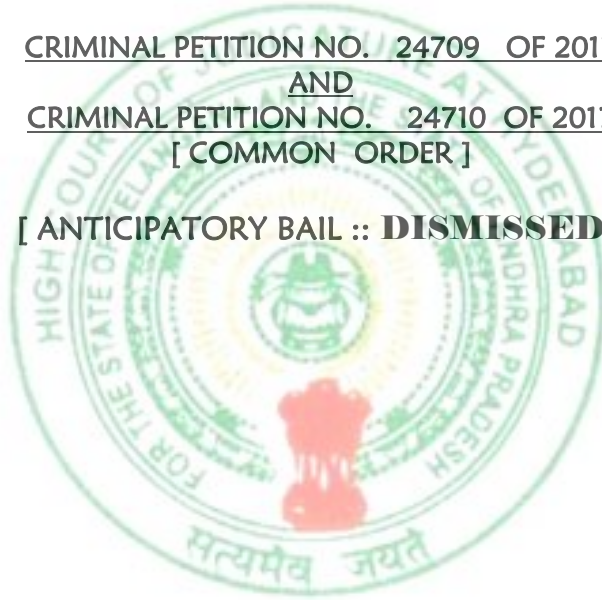


JUSTICE T. RAJANI.

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO. 24709 OF 2017
AND
CRIMINAL PETITION NO. 24710 OF 2017
[COMMON ORDER]

[ANTICIPATORY BAIL :: **DISMISSED**]



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