

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3812 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.3 to A.5, for grant of anticipatory bail in the event of their arrest in Crime No.262 of 2019 of Huzurabad Police Station, Karimnagar District, registered for the offences punishable under Section 420 of IPC and Section 7 of the Essential Commodities Act, 1955.

Heard learned counsel for the petitioners/A.3 to A.5 and the learned Additional Public Prosecutor appearing for the respondent-State. Perused the material on record.

The case of the prosecution, in brief, is that on 12.06.2019, at about 09:00 hours, a police party consisting of L.Ws.2 to 6 headed by L.W.10 started vehicle checking nearby the Post Office, Huzurabad. While they were checking the vehicles, the police intercepted a lorry bearing registration No.AP-24-TB-3897 with three persons. On examination, they revealed their identity. They further revealed that they were transporting PDS rice in the said lorry. Immediately, the police checked the lorry and found load of rice bags in the lorry. The police took them into custody, brought them to the police station along with the lorry loaded with rice and registered the subject crime.

Learned counsel for the petitioners/A.3 to A.5 would submit that the petitioners/A.3 to A.5 are innocent of the offences alleged and they were falsely implicated in this case. The petitioners/A.3 to A.5 are neither owners of the seized lorry nor the alleged seizure was made from them. The allegations levelled against the petitioners/A.3 to A.5 are false and fabricated, in order to harass them. There is no record to show that the petitioners/A.3 to A.5 have committed the alleged offences. No specific overt acts are attributed against the petitioners/A.3 to A.5. Investigation in this case is completed and A.1 had already been arrested and released on bail. The petitioners/A.3 to A.5 are apprehending danger to their life and personal liberty in the hands of the police and ultimately prayed to grant anticipatory bail to the petitioners/A.3 to A.5. It is also contended that this is the second bail application of the petitioners and the first bail application filed by them was dismissed by this Court vide order dt.26.06.2019 in Crl.P.No.3248 of 2019.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the bail application stating that the petitioners/A.3 to A.5 are habitual offenders and similar type of cases are pending against the petitioners. The petitioners are not entitled for anticipatory bail and ultimately prayed to dismiss the application.

A perusal of the record discloses that this is the second bail application of the petitioners and the first bail application

filed by them was dismissed by this Court vide order dt.26.06.2019 in Crl.P.No.3248 of 2019, wherein it was clearly observed that due to the alleged involvement of the petitioners in similar type of cases on previous occasions, this Court was not inclined to grant anticipatory bail. In the present bail application, no new grounds whatsoever have been urged by the petitioners for their release on anticipatory bail. Looking into the nature of allegations levelled against the petitioners, it is clear that A.3 is involved in 4 cases, A.4 is involved in 7 cases and A.5 is involved in 6 cases of similar type. Therefore, in view of involvement of the petitioners/A.3 to A.5 in similar type of cases on previous occasions, I am not inclined to grant anticipatory bail to them.

Accordingly, this Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

16.07.2019.
Msr

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Msr