

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5964 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner/A1, seeking anticipatory bail in Crime No.196 of 2019 on the file of the S.H.O. Kandukuru Police Station, Rachakonda District, registered for the offences punishable under Sections 379 IPC and 3 of PDPP Act and 21 (1) of MMDR Act.

2. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for respondent-State.

3. Learned counsel for the petitioner submits that the petitioner is an innocent person and he never committed any offence. Since the petitioner is the owner of the vehicle, which was seized, the petitioner was falsely implicated in this case. The petitioner was not involved in the alleged offence. Even if there is any contravention of transportation of sand, the same is liable to be compounded as per the provisions contemplated under A.P.WALTA Act and the criminal prosecution of the petitioner under Section 379 IPC cannot be justified. The petitioner is a law abiding citizen and hence, question of influencing the witnesses and tampering the evidence does

not arise. The petitioner is ready to co-operate with the investigation.

4. On the other hand, the learned Additional Public Prosecutor representing the State vehemently opposed the bail application.

5. As seen from the contents of the FIR, there are specific allegations against the petitioner for illegal transportation of sand in the vehicle.

6. Taking into consideration the nature of allegations made against the petitioner and the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed. However, the petitioner-A1 shall surrender before the concerned Court within 3 weeks from today and move bail application and the same shall be considered in accordance with law. Miscellaneous petitions, if any pending, shall stand closed.

DATED: 27.09.2019.
Hsd

JUSTICE G. SRI DEVI

