



Crl.O.P.No.19042 of 2023

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Orders Reserved on 19.09.2023	Orders Pronounced on 22.09.2023
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RMT. TEEKAA RAMAN.,J.

The petitioner/A.3 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 407, 408, 420, 435 of IPC in Crime No.328 of 2023, seeks anticipatory bail.

2. The case of prosecution is that A.1 & A.2 unloaded the cotton bale from the defacto complainant vehicle and stolen the cotton bale and cheated the defacto complainant. In addition to that they set fire to the vehicle and portrayed that the vehicle was set fire through burst of diesel tank. Therefore, the respondent police registered the case as accidental fire and later it was altered under Sections 407, 408, 420, 435 of IPC in Crime No.328 of 2023 against the accused persons. It is further submitted that the FIR was registered on 05.08.2023 and arrested two other accused persons on the very same day, remanded them in judicial custody on 05.08.2023 and searching the petitioner for the arrest.



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3. The learned counsel for the petitioner submitted that the petitioner is innocent and he is only a coolie in off-loading the cotton bundle from the ill-fated lorry.

4. The learned Government Advocate (Crl.side) would contend that A.1 is the driver, A.2 is the brother of A.1 and A.3 is the friend of A.1. Without the knowledge of the owner of the lorry, the accused have transported the cotton bundle and after delivering a portion of the cotton bundle, instead of delivering the balance cotton bundle to another destination, they have set the lorry to fire and filed the complaint. Initially complaint was registered as accidental fire and after enquiry, they came to know that all the three accused have set the lorry fire with smaller quantity of cotton bundle and made it believe that it is a fire accident. The specific overtact against the petitioner/accused is that he had purchased the petrol and poured on the lorry. He further submitted that the matter is under investigation.



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5. Heard the learned counsel for the petitioner as well as Government Advocate (Crl.side) and perused the records.

6. Considering the specific overtact against the petitioner , the fact that the matter is under investigation and that A.1 & A.2 have already been arrested, I am not inclined to grant anticipatory bail to the petitioner for the present, with a liberty to file fresh application after passage of time or change in circumstances, in future.

7. Accordingly, this Criminal Original Petition is dismissed.

22.09.2023

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order in
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22.09.2023