

HONOURABLE SMT. JUSTICE ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.3828 OF 2023

ORDER:

This petition is filed under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner/Accused No.1 in the event of his arrest in connection with Crime No.104 of 2023 of Matwada Police Station, Atmakur Mandal, Warangal District, registered for the offences punishable under Sections 379, 420, 468, 471 of Indian Penal Code and Section 21(1) of Mines and Minerals (Development and Regulation) Act.

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

3. The case of the prosecution is that on 10.03.2023 at about 04.00 PM, while the Assistant Sub-Inspector of Police, P.S.Matwada, along with his staff was conducting patrolling duty near Hanuman Junction, they found a Lorry bearing No.TS 24 T 4488 proceeding with sand load from Arepally side and when they tried to intercept the lorry, the driver did not stop the lorry and drove it at a high speed and escaped from there and poured the sand at some unknown place and

parked the lorry at Thummalakunta and fled away from there. On enquiry, they found the said lorry was owned by the petitioner and when the way bill of the said lorry was checked, it was found to be fake and by creating a fake way bill, the sand was lifted, which caused loss to the Government. Basing on the same, a case was registered by Matwada Police against the petitioner herein and others.

4. Learned counsel for the petitioner contended that the petitioner is innocent of the alleged offences and the petitioner was falsely implicated in the present case and he is owner of the lorry. Learned counsel further contended that the sand was lifted from the sand quarries by way of bills issued by the Government and after depositing the amount only. Learned counsel further contended that notice under Section 41-A Cr.P.C. was issued to accused Nos.2, 3, 10 and 11 but not to the petitioner and the petitioner is suffering from kidney problem and is undergoing treatment. In order to support his contention, he has filed his Discharge Summary from Spark Hospital, Hyderabad, before this Court.

5. Learned Additional Public Prosecutor opposed for granting bail contending that as grave charges are leveled

against the petitioner, he is not entitled for anticipatory bail and the investigation is in progress.

6. Perused the entire record. The investigation is still pending. But taking into consideration the health condition of the petitioner-accused No.1, this Court is of the considered view that anticipatory bail can be granted to the petitioner in the event of his arrest with the following conditions:

- i) The petitioner/accused No.1 is directed to surrender before the learned III Additional Judicial Magistrate of First Class, Warangal, on or before 18.05.2023. On such surrender, the said Magistrate shall release the petitioner/accused No.1 on bail, on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a likesum each to the satisfaction of the Court.
- ii) The petitioner/accused No.1 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.
- iii) The petitioner/accused No.1 shall not influence any witnesses or tamper any evidence.
- iv) The petitioner/accused No.1 shall not leave the territorial jurisdiction of Warangal without prior permission of the concerned Court.

Accordingly, the Criminal Petition is allowed.

JUSTICE G.ANUPAMA CHAKRAVARTHY

11th May, 2023.
SVL/DS

HONOURABLE SMT. JUSTICE ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION No.3828 OF 2023

11th May, 2023.

SVL/DS