

## IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE SECOND DAY OF FEBRUARY,  
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH

CRIMINAL PETITION NO: 232 OF 2022



**Between:**

Bora Musalayya Reddy, S/o. Appanna, Hindu, Aged 40 years, Lorry Owner, R/o.  
D.No.4-41/A, Paraparadesipalem, Kapuluppada, Bheemunipatnam,  
Visakhapatnam-531163.

...Petitioner/Accused

**AND**

The State, through Represented by its Public Prosecutor, High Court of A.P.,  
Amaravathi.

...Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in memorandum of grounds of Criminal Petition, the High Court may be pleased to grant the Anticipatory Bail to the Petitioner/Accused in Crime No.221/2020 on the file of Jalumuru Police Station, Srikakulam in the event of his arrest and release him on bail.

The petition coming on for hearing, upon perusing the Petition and memorandum of grounds of criminal petition and upon hearing the arguments of Sri Mangena Sree Rama Rao, Advocate for the Petitioner and Public Prosecutor for the Respondent, the Court made the following.

**ORDER:**

**THE HONOURABLE SRI JUSTICE D.RAMESH**

**CRIMINAL PETITION NO. 232 OF 2022**

**ORDER:-**

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/accused in the event of his arrest in connection with Crime No. 221 of 2020, Jalumuru Police Station, Srikakulam District, registered for the offences punishable under Sections 407, 409, 420 of the Indian Penal Code, 1860, Section 66-C of Information Technology Act, 2000 and Sections 9(B) 16(e) 3(1) of the Prevention of Damage to the Public Property Act, 1984.

2. The case of prosecution is that the above crime is registered against the petitioner on the allegation of his involvement in illegal transportation and selling of sand.

3. Heard learned counsel for the petitioner and the learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the allegations in the complaint are false and registration of crime on the said ground is contrary to G.O.Ms.No.71, dated 04.09.2019. He submits that in fact clause 16 of the said G.O., penalties to be collected from the respective vehicles which are involved in illegal excavation of sand in prohibited areas and its transportation, were prescribed. He submits that any violation with regard to transportation, black marketing or diversion etc., are governed by said G.O. but not by penal provisions under IPC and this Court in CrI.R.C.No.617 of 2021 has considered the said issue and held that already Government has issued G.O.Ms.No.71 prescribing the procedure which is to be followed in cases of illegal excavation,

transportation and sale of sand, as such petitioner's case may be considered for grant of pre-arrest bail.

5. Learned Assistant Public Prosecutor opposed the bail application on the ground that investigation is pending.

6. Taking into consideration the G.O.Ms.No.71, dated 04.09.2019 and the ratio laid down by this Court in CrI.R.C.No.617 of 2021, this Court is inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, this Criminal Petition is allowed. The petitioner/accused shall be released on bail in the event of his arrest in connection with Crime No. 221 of 2020, Jalumuru Police Station, Srikakulam District on condition of executing self bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a likesum each to the satisfaction of the Station House Officer, Jalumuru Police Station, Srikakulam.

Consequently, miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/-M.Suryanadha Reddy  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The II Additional District & Sessions Judge's Court for Trial of Offences Against Women, at Srikakulam.
2. The Station House Officer, Jalumuru Police Station, Srikakulam.
3. One CC to Sri. Mangena Sree Rama Rao, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

MM

**HIGH COURT**

**DRJ**

**DATED:02/02/2022**

**ORDER**

**CRLP.No.232 of 2022**

**ALLOWED**

