

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE FOURTEENTH DAY OF MARCH,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO
CRIMINAL PETITION NO: 1482 OF 2024



Between:

P.Vijaya Babu @ Pandyan, S/o V.Ponnuswamy, Hindu, aged about 36 years, R/o.
Adavi Kothuru Village, Nagari Mandal, Chittoor District.

...Petitioner/Accused No.2

AND

The State of Andhra Pradesh, Through Station House Officer, Nagari Special
Enforcement Bureau Station, Nagari, Chittoor District. Represented by its Public
Prosecutor, High Court of Andhra Pradesh at Amaravati.

...Respondent/Complainant

Petition under Section 438 of Cr.P.C is filed praying that in the circumstances
stated in memorandum of grounds of Criminal Petition, the High Court may be
pleased grant Anticipatory Bail to the Petitioner/Accused No.2 in Crime No.47 of
2023, dated 05.04.2023, on the file of the Nagari Special Enforcement Bureau
Station, Nagari, Chittoor District, in the event of his arrest;

The petition coming on for hearing, upon perusing the Petition and
memorandum of grounds of criminal petition and upon hearing the arguments of Sri
S.Varadarajulu Chetty, Advocate for the Petitioner and Public Prosecutor for the
Respondent, the Court made the following;

ORDER:

The Court made the following ORDER:

1. This Petitioner has filed the present Criminal Petition invoking the
provision of Section 438 of the Code of Criminal Procedure (**Cr.P.C.**) seeking
pre-arrest bail in the event of their arrest in connection with Crime No.47 of
2023 on the file of Nagari Special Enforcement Bureau Station, Nagari,
Chittoor District, registered for the offences punishable under Section 7(A) r/w
8(e) of A.P.P., Act, 1995.

2. The Prosecution's case, in brief, is that, on 05.04.2023 at about 12.15 PM during the raids conducted by Inspector, Special Enforcement Bureau Station, Nagari along with his staff, at Hillock Area 1.5 KM West to Adavikotturu of Nagari Mandal, where they found A.1 stirring the sticks in iron drums and mixing FJ wash with drums. Then, the Police officials arrested A.1 and seized four iron drums each drum containing 200 litres of FJ wash, a totally of 800 litres in the presence of mediators and registered the case in the aforementioned crime. During the course of investigation, A.1 confessed about the involvement of Petitioner/A.2 in this crime.

3. Learned counsel for the Petitioner/A.2 submits that Petitioner is innocent and falsely implicated in this case; there exist hostilities between the A.1 and A.2 and as an act of vengeance, the A.1 falsely implicated the A.2 in the above crime; Respondent/SEB is severely trying to arrest the Petitioner though there are no specific allegations against him, except alleging that he is selling black jaggery from his grocery store; the material part of the investigation is completed except filing the charge sheet; previously, he filed a bail application in CrI.M.P.No.254 of 2023 before the X Additional Sessions Judge, Tirupati, and the same was dismissed by the Court on 18.12.2023 without going into the very facts of the case; he has a fixed abode and there is no question of fleeing away from the jurisdiction of the Court; he is ready to furnish sufficient sureties and to cooperate with the investigation.

4. Learned Assistant Public Prosecutor opposed to grant bail to the Petitioner on the ground that the investigation is not completed.

5. I have heard both sides. Learned counsel on both sides reiterated their submissions on par with the contentions presented in the Petition and the Report. Consequently, the contentions raised by learned counsel need not be reproduced.

6. I have perused the material on record.

7. Learned counsel for the Petitioner submits that except the confessional statement of A.1, no other material has been collected showing the Petitioner's involvement in the commission of the offence. Learned Assistant Public Prosecutor has not disputed the factual position. It is clear from the record that the Petitioner was not secured at the scene of offence while he was in possession of 800 litres of FJ wash. When ascertained from the learned Assistant Public Prosecutor, he submits that according to his instructions, no previous criminal antecedents have been reported against the Petitioner. The petitioner is shown to be a permanent resident of Adavi Kothuru village of Chittoor District. The material on record suggests that the Prosecution's case is based on the official witnesses. So, the release of the Petitioner/Accused No.2 may not cause hampering of investigation or tampering of witnesses.

8. By taking into consideration the above circumstances, this Court is inclined to consider the application of the Petitioner.

9. Accordingly, in the event of his arrest in the above crime number, the Petitioner shall be released on bail on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties for the like sum each to the satisfaction of the arresting police officials within one week from the date of receipt of copy of the order and the Petitioner shall make himself available for investigation as and when required and he shall not cause any threat, inducement or promise to the Prosecution witnesses.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

For

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR
(Signature)
SECTION OFFICER

To,

1. The X Additional Sessions Judge, Tirupati
2. The Station House Officer, Nagari Special Enforcement Bureau Station, Nagari, Chittoor District
3. One CC to Sri. S.Varadarajulu Chetty, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

MM

HIGH COURT

TMR,J

DATED:14/03/2024

ORDER

CRLP.No.1482 of 2024

ALLOWED

