

**HON'BLE SRI JUSTICE BATTU DEVANAND**

**CRIMINAL PETITION No. 1658 OF 2020**

**ORDER:**

This petition is filed under Section 438 of Code of Criminal Procedure, 1973, to enlarge the petitioner/ Accused No.5 in the event of his arrest.

2. The petitioner is accused No.5 in Cr.No.6 of 2020 on the file of V.Kota Urban Police Station, Chittoor District.

3. The alleged offences against the petitioner is under Sections 379 IPC and Section 32 & 29 of Andhra Pradesh Forest Act, 1967 and Rule 3 of Andhra Pradesh Sandal Wood & Red Sandal Wood Transit Rules, 1967.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged in the said FIR.

5. Contrary, learned Additional Public Prosecutor submits that on 7.1.2020 at about 9.00 pm., the Sub-Inspector of Police, V.Kota Police Station apprehended the accused Nos.2 to 4 and seized three college bags containing Sandal Wood weighing 7.88 Kgs. The police recorded the confessional statements of A2 to A4 and seized the property under the cover of panchanama. Accused Nos.2 to 4 confessed that Accused No.1 used to buy the Sandal Wood from them and sell the same to Accused No.5 i.e., petitioner herein. Learned Additional Public Prosecutor further submits that A2 to A4 were arrested and they have been remanded to judicial custody, A1 & A5 are yet to be arrested and investigation is still pending.

6. Heard learned counsel for the petitioner and learned Additional Public Prosecutor.

7. As can be seen from the record, investigation is yet to be completed and some other accused are yet to be arrested. Considering the aforesaid reasons, this Court is of the considered view that this is not a fit case to grant anticipatory bail. When this Court expressed a view that this is not a fit case to grant anticipatory bail, learned counsel for the petitioner alternatively submitted that the petitioner may be permitted to surrender before the jurisdictional Magistrate and move a regular bail application and necessary relief may be granted in the interest of justice.

8. Having regard to the submissions of the learned counsel for the petitioner, the criminal petition is disposed of, reserving liberty to the petitioner /Accused No.5 to surrender before the learned jurisdictional Magistrate within a period of two (02) weeks from today and move a regular bail application. In such an event, the learned jurisdictional Magistrate shall dispose of the said application on its merits, on the same day.

Miscellaneous petitions pending, if any, in this case shall stand closed.

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**SRI BATTU DEVANAND, J**

Dated : 23.3.2020  
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