

[3240-]

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI
CRIMINAL PETITION NO: 3340 OF 2021



Between:

R Bhaskaran, Ranga Swamy, Aged about 55 years, Occ: Business, Resident of A.C.
Block No.50, 4th Street, Anna Nagar, Chennai City, Tamilnadu State.

Petitioner/Accused No.6

AND

State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of Judicature at
Amaravathi

Respondent

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to direct release of the Petitioner on Bail pending enquiry and trial arising out of Cr.No.233/2020 of Police Station, Railway Kodur, YSR Kadapa District

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI T NAGARJUNA REDDY Advocate for the Petitioner, and of PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.3340 of 2021

ORDER:-

This petition is filed under Sections 437 and 439 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking regular bail to the petitioner/A-6 in connection with Crime No.233 of 2020 of Railway Kodur Police Station, YSR Kadapa District for the offence punishable under Sections 307, 379, 353, 120(B), 109 r/w 149 of the Indian Penal Code, 1860 (for short IPC), Section 20(i) (c)(ii)(iii)(iv)(vi)(x), Section 20(d) (i)(a)(b)(ii)(a)(b), Section 29(2)(b)(4)(a) (I) (ii)(b)(I) (ii) of A.P.Forest (Amendment) Act, 2016, Rule 3 of A.P.Sandal Wood and Red Sander Wood Transit Rules, 1969 and Section 44(ii) of A.P.Forest Act, 1969 and Section 3 of Prevention of Damage to Public Property Act, 1984.

2. The case of prosecution is that on 09.09.2020 at 3.30 AM the respondent police found some persons at Kannegunta S.T.Colony while they are in possession of Red Sander Logs. On seeing the police, they attacked the police party. Then police detained two persons and remaining persons skulk away. on enquiry, they confessed that they are transporting Red Sander logs for illegal gain and also confessed the role of petitioner herein. Police seized three Red Sander logs from the possession of A-1 and A-2. Subsequently, police arrested the petitioner/A-6 in Crime No.74 of 2016 on 20.01.2021. He confessed the guilt in the present crime. Accordingly, police brought the petitioner on execution of PT warrant.

3. Heard Sri T.Nagarjuna Reddy, learned counsel for petitioner and the learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/A-6 submits that none of the officials received any injury as such, the ingredients of Section 307 IPC is not attracted and no logs were recovered from the possession of the petitioner, as such Section 379 IPC is also not attracted. He submits that there are no specific allegations that the petitioner has obstructed the officials while discharging their duties as such, Section 353 IPC is also not attracted. It is submitted that the petitioner was remanded on 09.01.2021 in connection with Crime No.102 of 2021 and he has taken into custody on 20.01.2021. Petitioner was implicated in Crime Nos.74, 105, 102 and 91 of 2016 and he was brought on PT warrant and produced before the Judicial Magistrate of First Class , Railway Court on 04.02.201, 15.02.2021, 09.01.2021 and 15.02.2021 respectively. In this case he was produced on PT warrant on 07.05.2021. Learned counsel submits that entire investigation is completed and as it has to be considered that the petitioner is in custody from 09.01.2021, it should be treated that the petitioner is in deemed custody in the present crime. as such, he is entitled for statutory bail under Section 167(2) of Cr.P.C.

5. Learned Assistant Public Prosecutor submits that petitioner is alleged to have committed the offences under Sections 307, 309 and 353 IPC, under the provisions of A.P.Forest Act, and A.P.Sandal Wood and Red Sander Wood Transit Rules. He submits that the petitioner is habitual offender and he involved in many crimes as such, he is not entitled for bail. He further submits that investigation is pending for arrest of other accused. The petitioner belongs to Tamilnadu State and if he is enlarged on bail, it is very difficult for the prosecution to secure his presence during the course of trial.

Learned Assistant Public Prosecutor does not dispute the fact that 60 days time already elapsed.

6. Though it is stated that petitioner is a habitual offender, but the police failed to file charge sheet within the statutory period, as such he is entitled for bail.

7. Accordingly, this Criminal Petition is allowed. The petitioner/A-6 shall be enlarged on bail in Crime No.233 of 2020 of Railway Kodur Police Station, YSR Kadapa District on execution of self bonds for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the Court of the Judicial Magistrate of First Class, Railway Kodur, YSR Kadapa District. On such release, the petitioner shall appear before the Station House Officer, Railway Kodur Police Station, YSR Kadapa District on every Monday between 07.00 AM and 11.00 AM till filing of charge sheet.

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

//TRUE COPY//

SD/-M.SRINIVAS
ASSISTANT REGISTRAR
For ASSISTANT REGISTRAR

To,

1. The Judicial Magistrate of First Class, Railway Kodur, YSR Kadapa District
2. The Superintendent, Central Prison, Kadapa, YSR District
3. The Station House Officer, Railway Kodur, Police Station, YSR Kadapa District
4. One CC to SRI T NAGARJUNA REDDY Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of AP [OUT]
6. One spare copy

HIGH COURT

LKJ

DATED:06/07/2021

ORDER

CRLP.No.3340 of 2021

ALLOWED

