

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE THIRTEENTH DAY OF JULY  
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

CRIMINAL PETITION NO: 2640 OF 2023

Between:

Shaik Mastan Vali, S/o Kalesh, aged 37 years, Muslim, Colie, Yallaiah Nagar,  
Budavada, Chimakurthi Village & Mandal, Prakasam District-523253, A.P.

...Petitioner/Accused No.5

AND

The State of Andhra Pradesh, Sub-Inspector of Police, Santhanuthalapadu  
P.S., Rep. by its Public Prosecutor, High Court of Andhra Pradesh at  
Amaravati.

...Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in Criminal Petition, the High Court may be pleased to grant anticipatory bail to this petitioner/A5 and to direct the respondent police to release him apprehended in the above crime No. 109 of 2022 of Santhanuthalapadu P.S. of Prakasam District in the event of arrest of petitioner / A5 within the jurisdiction of the Excise Court Judicial Magistrate of First Class, Ongole, Prakasam District.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri S Siva Rama Krishna Prasad, Advocate for the Petitioner and of Asst. Public Prosecutor for the Respondent, the Court made the following;

ORDER:

**THE HON'BLE MS JUSTICE B.S.BHANUMATHI**

**Criminal Petition No.2640 of 2023**

**ORDER :**

This Criminal Petition is filed seeking anticipatory bail under Sections 438 of the Code of Criminal Procedure, 1973 ('CrPC') to petitioner/A.5 in Crime No.109 of 2022 of Santhanuthalapadu Police Station, Prakasam District registered on 19.09.022 for the offence punishable under Sections 143, 420, 464, 465, 467, 468 471 r/w 149 IPC, Section 66 of Information Technology Act, 2000-2008 & Rule 6 (ii) of AP MMDR Act, 2017, Rule 26 (1) of AP Mines and Mineral Conservation Rules-1966.

2. Heard learned counsel for the petitioner/A.5 and learned Assistant Public Prosecutor representing the respondent/State.

3. The case of prosecution, in brief, is that on 18.9.2022 at about 8-00 A.M. the officials of Mines and Geology Department intercepted the container lorry bearing NoTN 18 BA 8661 carrying black Galaxy Granite Slabs to Chennai Port. The driver of the container lorry produced original mining transit pass bill having MDLA No.1827881. On verification of the said mining bill, it is not genuine and the same is fake one.

4. Learned counsel for the petitioner submitted that he has no connection with the alleged offence and that it is only based on the alleged confession of the co-accused. He is falsely implicated in this offence. He further submitted that all other accused in this crime were granted anticipatory bail and that accused No.3, 4 and 6 were granted anticipatory bail by the other bench of this Court on 19.10.2022 vide Crl.P.No.7967 of 2022. The details of other accused are not available.

5. Learned Assistant Public Prosecutor, on written instructions, submitted that all other accused were granted anticipatory bail.

6. Perused the record. In view of the submissions on both sides, the petitioner/A.5 can be granted conditional anticipatory bail.

7. In the result, the Criminal Petition is allowed. The petitioner/A5 (Shaik Masthan Vali) shall be released on bail, in the event of arrest in Crime No.109 of 2022 of Santhanuthalapadu Police Station, on his furnishing personal bond for Rs.10,000/- with two sureties for the like amount each, to the satisfaction of the arresting officer.

- i. after release, the petitioner/A.5 (Shaik Masthan Vali) shall make himself available for interrogation by a police officer as and when required;
- ii. the petitioner/A.5 (Shaik Masthan Vali) shall attend before the Station House Officer on every Sunday between 10.00 A.M. and 5.00 P.M. starting after of his release until further orders or till charge sheet is filed, whichever is earlier;
- iii. the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Investigating or Police Officer.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

Sd/- M. PADMALATHA  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Excise Court Judicial Magistrate of First Class, Ongole, Prakasam District
2. The Sub-Inspector of Police, Santhanuthalapadu Police Station, Prakasam Dist.
3. One CC to Sri. S Siva Rama Krishna Prasad, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy.

MSB



HIGH COURT

BSB,J

DATED:13/07/2023

BAIL ORDER

CRLP.No.2640 of 2023

ALLOWED

