

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.3189 of 2023

Order:

This Criminal Petition, under Section 438 Cr.P.C., has been filed by the petitioner/A-2, seeking anticipatory bail, in connection with Crime No.1200 of 2021 of Special Enforcement Bureau Station, Rajamahendravaram South, East Godavari district, registered for the offence punishable under Section 7B read with 8B of the A.P. Prohibition (Amendment) Act, 2020.

2. Case of the prosecution is that, on 16.09.2021, at about 03.30 PM, on credible information, the Sub-Inspector of Police, Special Enforcement Bureau Station, Rajamahendravaram South, along with his staff and mediators, proceeded to Maridamma Thalli temple, near Kanchala line, Dowlaiswaram, Rajahmundry Rural, and found accused Nos.1 and 2 in possession and illegal transportation of 75 litres of ID liquor on a Hero CBZ Extreme bike bearing registration No.AP 05 BK 62. On seeing the police party, A2 escaped from the spot. The contraband, along with vehicle and other material, was seized under cover of a mediators report and registered a case against the accused.

3. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in the present crime based on the

confessional statement made by co-accused. He further submits that most of the investigation is completed.

4. On the contrary, learned Assistant Public Prosecutor submits that the investigation is in progress and if the petitioner is granted anticipatory bail, he may hamper the process of investigation and tamper with the prosecution evidence.

5. Heard. Perused the record.

6. As per the contents of the FIR, based on the confessional statement made by co-accused, petitioner/A2 is implicated in the present crime and no contraband is seized from his possession. In view of the aforesaid facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner/A2 on the following conditions.

i) In the event of arrest of the petitioner/A2 in the aforesaid crime, he shall be enlarged on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like sum each to the satisfaction of the concerned Arresting Officer.

ii) Petitioner shall cooperate with the investigation and shall make himself available for interrogation by a police officer as and when required, and he 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 police officer.

iii) Petitioner shall appear before the Station House Officer concerned once in a week i.e., on every Friday between 10.00 AM and 01.00 PM till filing of the charge sheet.

7. The Criminal Petition is, accordingly, allowed.

K. SREENIVASA REDDY, J.

Date:09.05.2023

Nsr

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