

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.9145 of 2022

Order:

This Criminal Petition, under Section 438 Cr.P.C. has been filed by the petitioner/A2, seeking anticipatory bail, in Crime No.109 of 2022 of Santhanuthalapadu Police Station, Prakasam district, registered for the offences punishable under Sections 143, 420, 464, 465, 467, 468, 471 read with 149 IPC, Section 66 of the Information Technology Act, 2000-2008 and Section 26(1) of the MMRD Act.

2. The above case has been registered against the petitioner herein and others. Brief allegations are that on 18.09.2022 at about 08.00 AM the officials of Mines and Geology Department intercepted the container lorry bearing registration No.TN 18 BA 8661 carrying black Galaxy Granite Slabs to Chennai Port. On verification, the driver of the container lorry produced original mining transit pass bill having MDLA No.1827881. On verification of the said mining bill it goes to show that it is not genuine and the same is fake one. In respect of that a case in Crime No.109 of 2022 has been registered as against the petitioners herein and others.

3. Learned counsel for the petitioner submits that the petitioner is no way connected with the alleged offences and she is falsely implicated in the present case and that only to circumvent the provisions of Section 41A Cr.P.C, the offence under Section 467 IPC has been added to the said Crime. He further submits that this Court already granted anticipatory bail to A3, A4 and A6 in this crime.

4. On the contrary, learned Assistant Public Prosecutor contended that *prima facie* the offence under Section 467 IPC is made out for

the reason that fake bill has been produced by the driver which has been issued by the petitioner herein, and by virtue of the same, the State is incurring huge losses.

5. Heard. Perused the record.

6. The driver of the vehicle has produced bill which is found to be a fake one. The petitioner is only consignee of the subject goods. In view of the fact that accused Nos.3, 4 and 6 were already granted anticipatory bail and the petitioner stands on better footing than that of the said accused, this Court is inclined to grant anticipatory bail to the petitioner/A2 on the following conditions.

7. In the event of arrest of the petitioner/A2 in the aforesaid crime, she shall be enlarged on bail on her 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. Petitioner shall cooperate with the investigation and she shall make herself available for interrogation by a police officer as and when required, and she 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.

8. The Criminal Petition is, accordingly, allowed.

K. SREENIVASA REDDY, J

Dated:24.11.2022

Note:

Issue CC forthwith

(B/O)

Nsr

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Nsr