

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.6802 of 2017

ORDER:

This petition is filed, under Section 438 Cr.P.C., by the petitioner/accused No.2 in Crime No.345 of 2017 on the file of the Station House Officer, Moinabad Police Station, Cyberabad Commissionerate, registered for the offences punishable under Sections 273, 188 and 420 read with 34 I.P.C., and Sections 3(m) and 20(ii) of COPTA Act, 2003.

2. The learned counsel for the petitioner submitted that the petitioner let out his lorry to accused No.1 prior to the alleged incident; therefore the petitioner has nothing to do with the alleged offences.

3. *Per contra*, the learned Additional Public Prosecutor submitted that the petitioner is involved in similar type of offences previously .

4. It is the case of the prosecution that on 17.07.2017 accused Nos.1, 3 and 4 were transporting gutka products from Hyderabad City to Moinabad. The Station House Officer, Moinabad Police Station, intercepted the lorry bearing No.AP 28 TC 2750 and seized the gutka products and after following the due procedure, the above case was registered

5. The petitioner filed Crl.M.P.No.2928 of 2017 in Crime No.345 of 2017, under Section 438 Cr.P.C., on the file of the Court of the III Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar and the same was dismissed on 31.07.2017.

6. It is the case of the petitioner that the lorry was let out to accused No.1 under a rental agreement dated 02.01.2017. A perusal of the record reveals that the lorry of the petitioner was seized on 03.07.2017 in Crime No.311 of 2017 for transporting of gutka products. It is a known fact that the owner of the lorry will get more money, if the vehicle is being used for transportation of prohibited goods. The petitioner has not taken any steps to take back the lorry even though the lorry was seized on 03.07.2017. This itself *prima facie* indicates the role played by the petitioner in the commission of the offences.

7. Taking into consideration the social impact of the offences on the society, the conduct of the petitioner and the stage of investigation, this Court is of the considered view that it is not a fit case to grant anticipatory bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 31.08.2017

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