

(2025) 08 AP CK 0295

In the Andhra Pradesh High Court, Amaravati

Case No : Criminal Petition No: 7068 Of 2025

G. Ramu, S/O. Late Gopinath

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision : 22-08-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482

Indian Penal Code, 1860 — Section 34, 109, 120B, 379

Andhra Pradesh Forest (Amendment) Act, 2016 — Section 20(1)(c)ii, 20(1)(c)iii, 20(1)(c)iv, 20(1)(c)x, 20(1)(d)(i)(a), 29(4)(a)(i), 32A, 36(a)

Citation : (2025) 08 AP CK 0295

Hon'ble Judges : Dr Y. Lakshmana Rao, J

Bench : Single Bench

Advocate : Kanderi Chethan

Final Decision : Dismissed

Judgement

Dr Y. Lakshmana Rao, J

1. The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioners/ Accused No.5 for granting of pre-arrest bail in connection with Crime No.31 of 2024 of RSASTF Police Station, Tirupati, registered for the alleged offences punishable under Sections 379 read with 34 of IPC, 120-B, 109 IPC and Section 20(1)(d)(i)(a) read with 20(1)(c)ii, iii, iv, x, 36(a) read with 32-A, 29(4)(a)(i) of A.P.Forest (Amendment) Act, 2016.

2. The case of the prosecution is that on 24.05.2024 at 6.00 a.m at Ravuri Bypass Road, near Eguvapalli, Gudiganta Forest Beat, Ananthasagaram Section, Atmakuru Range along with team members and concerned Forest Authorities, while on combing operation duty, reached to the scene of offence by checking entry and exist point, noticed two stationed vehicles and loading some red sandal logs in the said vehicles and on seeing the Authorities, they tried to escape. The combing party surrounded them and caught hold of Accused Nos.1 to 4 along

with two vehicles with 8 Red Sandal Logs in tempo and 4 Red Sandal Logs in Swift Car along with other 4 logs fallen on the ground, total 16 logs and registered the above crime. The Accused 1 to 4 were arrested on the same day. Subsequently, they were enlarged on statutory bail.

3. Mr. Kanderi Chethan, the learned counsel for the Petitioner contends that the Petitioner/ Accused No.5 is an innocent of the alleged offence and has been falsely implicated by the Police. It is further submitted that the Petitioner is the sole earning member of his family and, he is ready to abide any conditions that may be imposed by this Court, and it is urged to grant pre-arrest bail to the Petitioner/ Accused No.5.

4. Per contra, Ms.P. Akhila Naidu, the learned Assistant Public Prosecutor vehemently opposed the grant of pre-arrest bail to the Petitioner, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the Petitioner is released on pre-arrest bail, there is a strong likelihood that he may abscond, thereby hampering the ongoing investigation and evading the process of law. In view of the foregoing, it is urged that the petition be dismissed.

5. Heard the learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

6. The Petitioner/ Accused No.5 was allegedly indulged in dealing with the transportation of Red Sandal Wood, total 16 logs, weighing about 465 Kgs. The Petitioner was acted as a cab driver. Learned counsel for the Petitioner would submit that the Petitioner was not there at the time of scene of offence at alleged point of time. Basing on the confession of the Accused No.3, the Petitioner was arraigned as Accused.

7. Learned Assistant Public Prosecutor would submit that the Petitioner has got one adverse criminal antecedent in Crime No.32 of 2015 of Bakarapet Police Station. Considering the adverse antecedent, which is similar in nature against the Petitioner and the alleged role played by the Petitioner, this Court feels that the Petitioner is disentitled for Pre-arrest bail. However, learned counsel for the Petitioner submits that the Petitioner may be permitted to surrender before the learned jurisdictional Magistrate and move proper application before the jurisdictional Special Court for enlarging him on bail.

8. In the result, the Criminal Petition is dismissed, with a liberty to the Petitioner to surrender before the learned jurisdictional Magistrate concerned and move an appropriate application before the learned jurisdictional Special Court for enlarging him on bail. The learned Court shall endeavour to dispose of the application on its own merits in accordance with law, by giving due and sufficient opportunity of hearing to the learned Public Prosecutor and pass appropriate orders, within a reasonable time, preferably in two (02) days. The Petitioner shall surrender before the learned jurisdictional Magistrate, within a period of one (01) week from today.