



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

AND

THE HONOURABLE SRI JUSTICE DUPPALA VENKATA RAMANA

IA No. 1 OF 2023

IN

CRLA NO: 318 OF 2018

Between:

Vanaja Sankararao, S/o. Chinnamnaidu, Aged 48 years, R/o. Thallaburidi
Village, Parvatipuram Mandal, Vizianagaram District

...Petitioner/Accused

AND

The State of Andhra Pradesh, Rep., by Public Prosecutor, High Court of
Judicature at Amaravathi.

...Respondent/Respondent

Petition under Section 389(1) of Cr.P.C praying that in the circumstances stated in the petition, the High Court may be pleased to suspend the execution of the sentence, judgement passed on 26th, September, 2017, in S.C no. 121 of 2016 on the file of II Additional Sessions Judge, Parvatipuram and release the petitioner on bail, pending disposal of CRLA No. 318 of 2018, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and upon hearing the arguments of Sri G. Vijaya Saradhi, Advocate for the Appellant and of Public Prosecutor for Respondent, the court made following

ORDER:

"This is an application, filed under Section 389(1) of the Code of Criminal Procedure, seeking bail.

Main Criminal Appeal came to be preferred by the petitioner-accused against the judgment dated 26.09.2017, passed by the Court of the learned II Additional Sessions Judge at Parvatipuram, in Sessions Case No.121 of 2016. By way of the said judgment, the learned Sessions Judge convicted the accused-petitioner herein for the offence punishable under Sections 302 I.P.C., and sentenced to undergo rigorous imprisonment for life and to pay fine of Rs.2,000, in default, to suffer rigorous imprisonment for six months.

In this application, the petitioner is seeking bail by placing reliance on the judgment of the Composite High Court of Andhra Pradesh in the case of *Batchu Rangarao and ors., Vs., State of Andhra Pradesh* reported in [2016(3) ALT (Criminal) 505 (AP)]. In the said judgment, the Court laid down the following guidelines, while considering the bail applications of the present nature:

"(1) A person who is convicted for life and whose appeal is pending before this Court is entitled to apply for bail after he has undergone a minimum of five years imprisonment following his conviction;

(2) Grant of bail in favour of persons failing in (1) supra shall be subject to his good conduct in the jail, as reported by the respective Jail Superintendents;

(3) In the following categories of cases, the convicts will not be entitled to be released on bail, despite their satisfying the criteria in (1) and (2) supra:

The offences relating to rape coupled with murder of minor children dacoity, murder for gain, kidnapping for ransom, killing of the public servants, the offences falling under the National Security Act and the offences pertaining to narcotic drugs.

(4) While granting bail, the two following conditions apart from usual conditions have to be imposed, viz., (1) the appellants on bail must be present before the Court at the time of hearing of the Criminal Appeals; and (2) they must report in the respective Police Stations once in a month during the bail period."

Instructions furnished by the jail Superintendent are placed on record by the learned Public Prosecutor. According to the said instructions, the conduct of the petitioner is satisfactory and he has completed more than five years of actual sentence. It is not the case of the prosecution that the instant case falls under the exceptions as mentioned in the aforesaid decision.

For the aforesaid reasons, this petition is allowed, directing enlargement of the petitioner on bail in S.C.No.121 of 2016 on the file of the Court of the learned II Additional Sessions Judge at Parvatipuram, subject to the petitioner furnishing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for the like sum each to the satisfaction of the Court of the learned Additional Judicial

Magistrate of First Class, Parvatipuram. It is made clear that the petitioner shall attend before the said Court on one day in the first week of every month, pending appeal and if the same is not adhered to, the same be brought to the notice of this Court for passing necessary order for cancellation of bail. It is further made clear that at the time of hearing the appeal, the petitioner shall be present before this Court."

Sd/- G. SRINIVAS REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For A

SECTION OFFICER

To,

1. The II Additional Sessions Judge, Parvatipuram, Vizianagaram District.
2. The Additional Judicial Magistrate of First Class, Parvatipuram, Vizianagaram District.
3. The Superintendent, Central Prison, Visakhapatnam.
4. One CC to Sri. G Vijaya Saradhi, Advocate [OPUC]
5. Two CCs to Public Prosecution, High Court of AP [OUT]
6. Two spare copies.

MSB



HIGH COURT

AVSS,J
&
DVR,J

DATED:08/05/2023

BAIL ORDER

IA NO.1 OF 2023
IN
CRLA.No.318 of 2018

ALLOWED

