

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE A V SESA SAI
AND
THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA



IA No. 1 OF 2023
IN
CRLA NO: 847 OF 2018

Between:

Nallabapineni Bharath, S/o. Rajagopal, Aged about 33 years, R/o. Sirigaripalli
Village, Mudigubba Mandal, Ananthapuramu District.

...Appellant/Accused No.4

AND

The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court at
Amaravathi.

...Respondent

Petition under Section 389(1) of Cr.P.C praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence in S.C.No.109 of 2015 on the file of the Court of the I Additional Sessions Judge, Ananthapuramu, Ananthapuramu District, pending disposal of CRLA No. 847 of 2018, on the file of the High Court.

Counsel for the Petitioner: SRI V R REDDY KOVVURI
Counsel for the Respondent: PUBLIC PROSECUTOR

ORDER:

“This is an Application filed under Section 389(1) of Cr.P.C., seeking enlargement on bail, by suspending the sentence in S.C.No.109 of 2015 on the file of the learned I Additional Sessions Judge, Ananthapuramu.

The petitioner herein is the accused No.4 in the aforesaid case. The learned I Additional Sessions Judge, Ananthapuramu, found the petitioner guilty of the offences punishable under Sections 120-B, 364-A, 386, 148, 324, 326 and 506 IPC. According to the learned counsel for the petitioner, the petitioner is entitled to be enlarged on bail as he has completed more than five (05) years of actual sentence. The fact remains that the learned Additional Sessions Judge, found the petitioner guilty of the offence punishable under Section 364-A also. Therefore, the case on hand squarely falls under the exceptions carved out in sub-para (3) of Para 9 of the Judgment rendered by

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 view of the above, this Court is not inclined to entertain this Application and it is accordingly dismissed."

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

For /

SECTION OFFICER

To,

1. The I Additional Sessions Judge, Ananthapuramu
2. One CC to SRI. V R REDDY KOVVURI Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court of A.P. [OUT]
4. One spare copy

npc

HIGH COURT

AVSSJ
&
VJPJ

DATED:31/03/2023

ORDER

I.A.NO.1 OF 2023
IN
CRLA.No.847 of 2018

DISMISSED

