

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY ,THE TWENTIETH DAY OF APRIL

TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE A V SESA SAI

AND

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

IA No. 1 OF 2023

IN

CRLA NO: 1946 OF 2018

Between:

Golla Harsha Teja, S/o. Golla Sriramulu, Aged about 28 years, R/o.Ramatilapalli Village, Lingala Mandal, Kadapa District.

...APPELLANTS/A6
(Petitioner in CRLA 1946 OF 2018
on the file of High Court)

AND

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

...RESPONDENT
(Respondents in-do-)

Counsel for the Petitioner : Sri SIVA NAGARJUNA SIDHADAPU

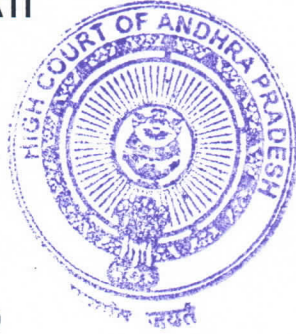
Counsel for the Respondent : PUBLIC PROSECUTOR (AP)

Petition under Section 389(1) of Cr.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to release the petitioner/A6 on bail pending the disposal of the Criminal Appeal No. 1946 of 2018 preferred before this Honourable court against the judgement in SC.No. 109 of 2015 on the file of I Additional Sessions Judge, Anantapur at Anantapur, dt 24-01-2018, Pending disposal of CRLA No. 1946 of 2018, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

"This is an application filed under sub-section (1) of Section 389 of Code of Criminal Procedure by the accused No.6-petitioner herein, seeking his enlargement on bail, pending Criminal Appeal.



By way of the judgment dated 24.01.2018 in Sessions Case No.109 of 2015, the Court of the learned I Additional Sessions Judge, Ananthapuramu, convicted the accused No.6-petitioner herein for the offences punishable under Sections 120(B), 364 A, 386 IPC and Section 25(1B) of the Arms Act.

The learned counsel for the petitioner prays this Court to enlarge the petitioner on 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)], on the ground that the petitioner has completed five (05) years of actual sentence, followed by the conviction. The learned counsel for the petitioner also submits that on merits, the petitioner is entitled to be enlarged on bail.

Refuting the contentions raised by the learned counsel for the petitioner, it is submitted by the learned Public Prosecutor that the case of the accused No.6-petitioner herein falls under the exceptions carved out in the aforesaid decision and one of the alleged offence pertains to kidnap for ransom. It is further submitted by the learned Public Prosecutor that unless the matter is finally heard on merits, the petitioner is not entitled for the relief.

Since the learned Sessions Judge convicted the petitioner for the offence punishable under Section 364 A of I.P.C., also, this Court is of the opinion of that, the petitioner is not entitled for bail in view of the principles laid down in the aforesaid decision and having regard to the findings of the learned Sessions Judge and in view of the decision referred to supra, this Court is not inclined to consider the bail application filed by the accused No.6-petitioner herein.

Accordingly, the Interlocutory Application is dismissed."

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

For ,

SECTION OFFICER

To,

1. The Addl. Judicial Magistrate of First Class, Anantapur.
2. The I Additional Sessions Judge, Anantapur at Anantapur.

3. The Superintendent, Central Prison, Kadapa.
4. One CC to SRI. SIVA NAGARJUNA SIDHADAPU Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
6. Two spare copies.

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HIGH COURT

AVSS,J
TMR,J

DATED:20/04/2023

BAIL ORDER

IA No. 1 OF 2023
IN
CRLA NO: 1946 OF 2018

DIRECTION

