

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE TWENTY NINTH DAY OF APRIL,
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 3 OF 2026

IN

CRLA NO: 95 OF 2026



Between:

Dekka Rambabu @ Chinna @ China Srinu, S/o. Reddy, Aged 42 years,
R/o. D.No.8-201/1, Galitippapeta, Ainavilli Lanka Village, Ainavilli Mandal.

...Appellant/Sole Accused

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati, Guntur District.
2. Mother of Victim Girl.

...Respondents/Complainant

Petition under Section 389(1) of Cr.P.C.(old Act)/under Section 430(1) of BNSS, 2023, is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to enlarge the appellant on bail by suspending the judgment dt.21.03.2025 passed in S.C. No.100/2023 on the file of Special Court for Speedy Trial of Offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO ACT), East Godavari at Kakinada, pending disposal of CRLA No. 95 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Sravan Kumar Naidana, Advocate for the Appellant and of Public Prosecutor for the Respondent No.1, The Court made the following

ORDER:

“Heard Sri N.Sravan Kumar, learned Legal Aid Counsel for the petitioner/appellant/convict and learned Additional Public Prosecutor representing the State.

Petitioner is the sole Accused in POCSO S.C.No.100 of 2023 on the file of the learned Special Sessions Judge For Trial of Offences under Protection of Children from Sexual Offences Act, 2012, East Godavari at Kakinada.

Learned counsel for the petitioner would submit that petitioner/convict was found guilty for the offence U/s.9(m) r/w.10 of POCSO Act, 2012. Accordingly, he was convicted and sentenced to undergo simple imprisonment for a period of five (05) years and to pay fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo simple imprisonment for a period of one (01) month.

The learned counsel for the petitioner/appellant would submit that the petitioner was in jail during trial from 15.05.2023 to 21.03.2025, and the petitioner was lodged in Central Prison, Visakhapatnam, since the date of judgment i.e., from 21.03.2025 to till date, which shows that the petitioner had completed nearly three (03) years of sentence, out of five (05) years of sentence.

He would further submit that the learned trial Court erroneously convicted the petitioner without appreciating the facts in proper perspective. Hence, the petitioner preferred the appeal, challenging the judgment on various grounds. He would further submit that there are fair chances to succeed in the appeal, and there is no possibility of taking the appeal in the near future. Considering the above facts and circumstances, the order of sentence imposed by the trial Court may be suspended, pending disposal of the appeal.

Learned Additional Public Prosecutor opposed the application. However, no written objections filed. He would submit that the petitioner not paid the fine amount.

Considering the above facts and circumstances, and as the petitioner had completed nearly three (03) years of sentence, and as the sentence imposed by the trial Court is fixed sentence of five (05) years, and as there is no likelihood taking the appeal in the near future, this Court is of the considered opinion that *“the order of sentence of imprisonment alone imposed by the learned Special Sessions Judge For Trial of Offences under Protection of Children from Sexual Offences Act, 2012, East Godavari at Kakinada vide judgment dated 21.03.2025 passed in POCSO S.C.No.100 of 2023 in respect of the petitioner be suspended, subject to the following conditions”*:

- i) The petitioner/appellant shall be enlarged on bail, on executing a personal bond for Rs.20,000/- (Rupees Twenty Thousand only), with two (02) sureties for a like sum each, to the satisfaction of the learned trial Court.
- ii) On release, the petitioner/appellant shall appear before the learned Trial Court on every fourth Saturday of the month, till disposal of the Appeal.
- iii) The petitioner/appellant shall pay the fine amount within four (04) weeks from the date of this order before the learned trial Court, and file receipt before this Court.
- iv) The petitioner/appellant shall not leave the country without permission of the Court.
- v) The petitioner/appellant shall not visit, contact, intimidate or annoy the victim or her family members in any manner.
- vi) If the petitioner/appellant violates any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of the bail.

Accordingly, the application is ordered.”

//TRUE COPY//

SD/- M.SRINIVAS
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Court for Speedy Trial of Offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO ACT), East Godavari at Kakinada.
2. The Superintendent, Central Prison, Visakhapatnam.
3. One CC to Sri Sravan Kumar Naidana, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP, Amaravati. [OUT]
5. One spare copy.

PSD

HIGH COURT

BVLNC,J

DATE:29/04/2026

ORDER

I.A.NO.3 OF 2026

IN

CRLA.No.95 of 2026

SUSPENSION

