

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. 2 OF 2022

IN

CRLA NO: 332 OF 2022

Between:

Chapala Srinivasa Rao, S/o late Apparao, age 32 years, SC Mala Rod Bender, R/o. Vegetable Market, Bajee Junction, Visakhapatnam City (Now accused is in central prison Visakhapatnam, CT No. 8887)

...Appellant/Accused

AND

The State of AP, Rep by the Public Prosecutor, High Court of Andhra Pradesh.

...Respondent/Complainant

Petition under Section 389(1) of Cr.P.C., is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased release the petitioner on bail by suspending the operation of the sentence passed in S.C.No.74 of 2019 dated 30.03.2022 on the file of Special Judge for Trial of the Offences under the Protection of Children from Sexual Offences Act, at Visakhapatnam District, pending disposal of CRLA No. 332 of 2022, 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 Ms. R.Durga Latha Sri, learned Counsel representing Sri K.V.Durga Divakar, Advocate for the Appellant and of Public Prosecutor for the Respondent, The Court made the following



ORDER:

“Heard Ms.R.Durga Latha Sri, learned counsel representing Sri K.V.Durga Divakar, learned counsel for the petitioner/ appellant/convict and Sri C.Panini Somayaji, learned Additional Public Prosecutor representing the State.

Petitioner is the sole accused in Sessions Case No.74/2019 on the file of the learned Special Judge for Trial of the Offences under the Protection of Children from Sexual Offences Act at Visakhapatnam.

Learned counsel for the petitioner/ appellant would submit that the petitioner was found guilty for the offence under Section 5(m) r/w 6 of POCSO Act, 2012 and Sections 342 and 506(2) IPC. Accordingly, he was convicted U/s.235(2) of Cr.P.C. and sentenced to undergo rigorous imprisonment for a period of ten (10) years and to pay a fine of Rs.1,000/- (Rupees One Thousand only), and in default, shall undergo simple imprisonment for a period of two (02) months for the offence under Section 5(m) r/w 6 of POCSO Act, 2012.

He was further sentenced to undergo simple imprisonment for a period of six (06) months for the offence under Section 342 of IPC.

He was further sentenced to undergo simple imprisonment for a period of one (01) year for the offence under Section 506(2) of IPC.

Learned counsel for the petitioner/appellant/accused would submit that 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. She would further submit that the appellant has already served eight (08) years of imprisonment out of ten (10) years of imprisonment, and there are fair chances to succeed in the appeal, and there is no possibility of hearing the appeal in the near future. Considering the same, the order of sentence of imprisonment 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. Learned Additional Public Prosecutor, basing on the nominal roll received from the prison authorities, would submit that the appellant served nearly 8 years of imprisonment out of fixed sentence of ten (10) years.

Considering the above facts and circumstances, as the appellant has served nearly eight (8) years of sentence out of ten (10) years of fixed sentence, and as there is no possibility of hearing 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 Judge for Trial of the Offences under the Protection of Children from Sexual Offences Act at Visakhapatnam vide judgment dated 30.03.2022 in Sessions Case No.74/2019 against the petitioner/accused shall be suspended pending disposal of the appeal, and the appellant shall be released on bail, 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) The petitioner/appellant shall pay the fine amount before the trial Court within four (04) weeks from the date of this order, if not paid and file the receipt before this Court.
- iii) On such release, the petitioner/ appellant shall appear before the learned trial Court on every fourth Saturday of the month till disposal of the Appeal.
- iv) The petitioner/appellant shall not visit, intimidate, contact or annoy the victim or her family members in any manner.
- v) The petitioner/appellant shall not leave the country without permission of the Court.
- vi) If the petitioner/appellant violates any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of bail.

Accordingly, the application is ordered."

//TRUE COPY//

SD/- M.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Special Judge for Trial of the Offences under the Protection of Children from Sexual Offences Act, at Visakhapatnam.
2. The Superintendent, Central Prison, Visakhapatnam.
3. One CC to Sri K.V.Durga Divakar, 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

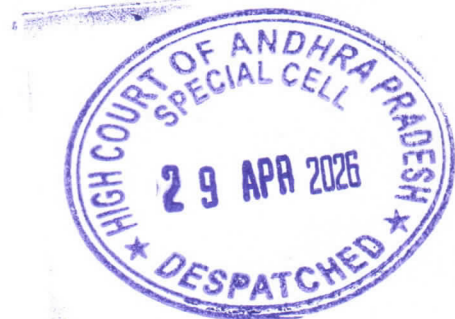
LIST THE MATTER IN THE MONTH OF JULY, 2026.

ORDER

I.A.NO.2 OF 2022

IN

CRLA.No.332 of 2022



SUSPENSION