

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. 1 OF 2026

IN

CRLA NO: 616 OF 2024

Between:

Golla Raju, S/o Late Hanumantu, aged 36 years, H.No.1/3026, SMT Colony, Yemmiganur Town, Kurnool District.

...Appellant/Accused

(Petitioner in CRLA 616 OF 2024

on the file of High Court)

AND

The State of Andhra Pradesh, Rep by its Public prosecutor, High Court of Andhra Pradesh at Amaravati

...Respondent/Complainant

(Respondents in-do-)

Counsel for the Petitioner : SRI G.VIJAYA SARADHI

Counsel for the Respondent : PUBLIC PROSECUTOR

Petition under Section 430(1 & 2) of BNSS, 2023 is filed praying that in the circumstances stated in the memorandum of grounds of criminal petitions, the High Court may be pleased to suspend the execution of the sentence and release the appellant/accused viz., Golla Raju on bail in Crl. A. No. 616 of 2024, pending before this Honorable Court, which arose out of SC/ST/ S. C. No. 68 of 2017 on the file of Special Judge for the Trial of the Offences under SCs & STs' (POA) Act-cum-VI Additional Sessions Judge, Kurnool, dated 12.10.2023, pending disposal of CRLA No.616 of 2024, 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:

Heard Sri G.Vijaya Saradhi, learned counsel for the petitioner/appellant/convict / A-1 and learned Assistant Public Prosecutor representing the State.

Petitioner is the Accused No.1 in SC/ST S.C.No.68 of 2017 on the file of Spl.Judge for Trial of Cases under SC/ST (PoA) Act-cum-VI Addl. Sessions Judge, Kurnool.

Learned counsel for the petitioner/appellant would submit that petitioner was found guilty for the offence U/s.304-B IPC. Accordingly, he was convicted and sentenced to undergo simple imprisonment for a period of ten (10) years.

The learned counsel for the petitioner/appellant would submit that the petitioner was in jail for a period of nine months during trial, and he was lodged in Central Prison, Kadapa, since the date of judgment i.e., from 12.10.2023 to till date, which shows that the petitioner has been in prison for the last three years.

He would further submit that the learned trial Court erroneously convicted the petitioner/A-1 without appreciating the facts in proper perspective. Hence, the petitioner preferred the appeal, challenging the judgment on various grounds. He would further submit that the sentence imposed by the learned trial Court is fixed sentence for a period of ten (10) years, and 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 were filed opposing the application. He would submit that notice was taken to the victim U/s.15(A)(3) of SC/ST (PoA) Act, 1989. No one appeared for the victim. No objections filed for the victim for opposing the application.

Considering the above facts and circumstances, and as the sentence imposed by the trial Court is fixed sentence of ten (10) years, and out of which, the petitioner had already completed three years of sentence, 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 Spl.Judge for Trial of Cases under SC/ST (PoA) Act-cum-VI Addl. Sessions Judge, Kurnool, vide judgment dated 12.10.2023 passed in SC/ST S.C.No.68 of 2017 against the petitioner / A-1 be suspended, pending disposal of the appeal, subject to the following conditions":

- i) The petitioner/appellant/A-1 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 Special Court.
- ii) On release, the petitioner / appellant/A-1 shall appear before the learned trial Court, on every fourth Saturday of the month, till disposal of the Appeal.
- iii) The petitioner/appellant/A-1 shall not leave the country without permission of the Court.
- iv) The petitioner/appellant/A-1 shall not intimidate, annoy or contact the family members of the deceased in any manner.

- v) If the petitioner/appellant/A-1 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//

For

SD/- M.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Special Judge for the Trial of the Offences under SCs & STs (POA) Act-cum- VI Additional Sessions Judge, Kurnool.
2. The Superintendent, Central Prison, Kadapa.
3. One CC to Sri. G.Vijaya Saradhi, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP [OUT]
5. One spare copy

HIGH COURT

BVLNC,J

DATED:29/04/2026

LIST THE MATTER IN THE MONTH OF SEPTEMBER, 2026 UNDER
THE CAPTION FINAL HEARING

ORDER

IA.NO.1 OF 2026
IN
CRLA.No.616 of 2024

DIRECTION

