

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION No.6728 of 2023

ORAL ORDER:

This petition, under Sections 437 & 439 Cr.P.C, is filed by accused Nos.2, 9, 13, 17, 18, 19, 20, 21, 22, 23, 24 and 25 in Crime No.271 of 2023 on the file of Punganur Urban Police Station, Chittoor District, seeking their enlargement on bail.

2. The above crime has been registered for the offences punishable under Sections 109, 427, 147, 148, 120-B, 353, 332, 307 & 436 read with Section 149 I.P.C. and Sections 3 & 4 of Prevention of Damage to Public Property Act, on the basis of the statement of one N. Jayasankar, AR Constable, working as Driver in DAR MT Section, Chittoor. The contents of the said statement, in brief, are thus: On 04.08.2023, the defacto complainant was on bandobasth duty on Vajra police vehicle bearing registration No. AP 9 P 8809 near Bhimaganipalli Cross on the route through which vehicles enter into Punganur Town. While he along with other operators of Vajra vehicle were performing their duties at the above place, an argument took place between police officials and the party workers of Telugu Desam Party regarding permission for the entry of their leader into Punganur Town and at that time, accused No.1 shouted saying that if the police are killed, they can facilitate their leader to go into Punganur Town and instigated the party workers of Telugu Desam Party with his words, upon which they took out beer bottles, stones and sticks, which were already in their

possession as per the conspiracy entered into between them, removed the barricades and made an attack on the police and Vajra vehicle, at about 4.40 p.m. Thereupon, the Vajra vehicle team used tear gas. On that, accused Nos.1 to 16 and other party workers of Telugu Desam Party came to Vajra vehicle and when the defacto complainant got down the vehicle, some persons from the mob shouted saying that he used tear gas and he should be killed, and attacked with beer bottles, stones and sticks, due to which he sustained bleeding injury to right hand and other injuries. Other police officials and staff also sustained injuries in the said incident. The said mob of persons also set the Vajra police vehicle, worth about Rs.10,56,311/-, on fire.

3. Learned counsel for the petitioners contends that a false case has been foisted against the petitioners only due to political rivalry and that the allegations levelled would not attract the ingredients of Section 307 I.P.C. He further contends that no specific overt acts have been alleged against the petitioners. He further submits that the petitioners have been in judicial custody since 06.08.2023 and considering the circumstances, the petitioners may be enlarged on bail.

4. On the other hand, learned Additional Advocate General representing the State would strenuously oppose the application contending that series of attacks were made by the persons belonging to Telugu Desam Party on the fateful day.

5. This Court has perused the entire material available on record. As can be seen from the report lodged by the defacto complainant, there is no specific

allegation as to the presence of petitioner Nos.4 to 12/A17 to A25 at the time of alleged incident. Considering the circumstances in its entirety and since the petitioners have been in judicial custody since 06.08.2023, this Court is inclined to enlarge the petitioners on bail, subject to certain conditions.

6. Accordingly, this criminal petition is allowed with the following directions:

(i) The petitioners are directed to be released on bail on their executing a personal bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Punganur.

(ii) On such release, the petitioners shall appear before the Station House Officer concerned once in a week, i.e., on every Sunday between 10.00 a.m. and 1.00 p.m., until further orders.

(iii) Further, the petitioners are directed not to hamper the investigation and not to tamper with the prosecution witnesses.

K. SURESH REDDY, J

Dt: 21.09.2023
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