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[3239]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SURESH REDDY
CRIMINAL PETITION NO: 6728 OF 2023

Between:

1. Chinnapala Govardhan Reddy, ✓
S/o. Chinnapala Ramanarayana Reddy,
Aged 35 years, R/o. D.No.4-72, Santha Bazaar Street,
Rompicharla Town & Mandal, Chittoor District. (A-2)
2. Pothineedi Muniraja @ Muniraja Naidu @ T.Muniraja, ✓
S/o. Late P.Narayana Naidu, aged 42 years,
R/o. Gangireddivaripalli Village, Erikipenta Post,
Somala Mandal, Chittoor District. (A-9)
3. Gandla Rajendra, S/o. Nagaraja, ✓
Aged 33 years, R/o. Vanamaladinne Village,
Punganur Mandal, Chittoor District. (A-13)
4. Chicchili Prabhakar Reddy @ C.H.Prabhakar Reddy, ✓
S/o. Lakshmi Narayana Reddy, aged 54 years,
R/o. 102, E.Ramireddigaripalli Village,
Pulicherla Mandal, Chittoor District. (A-17)
5. M.Subramanyam Naidu, S/o. Late Chinna Swami, ✓
Aged 41 years, R/o. Kothapalli, H/o. Muthukuvaripalli,
Pulicherla Mandal, Chittoor District. (A-18)
6. Vaddi Pattabi, S/o. Lashmaiah, aged 55 years, ✓
R/o. Guwalavaripalli, H/o. Muthukuvaripalli,
Pulicherla Mandal, Chittoor District. (A-19)
7. Kulluthala Sahadevudu, S/o. Obuleshu, ✓
Aged 51 years, R/o. Nagari H/W,
H/o. Bommayagaripalli, Rompicherla Mandal,
Chittoor District. (A-20)

(2)

8. Darshi Nagarjuna, S/o. Venkata Ramaiah,
Aged 31 years, R/o. Guvvalavaripalle Village,
Mathukuvvari Palli Panchayathi, Pulicherla Mandal,
Chittoor District. (A-21)
9. Gaddamvari Althaf Hussain,
S/o. G.Md.Mohammad Kasim, aged 45 years,
R/o. Indra Nagar, Mangala Peta Village,
Pulicherla Mandal, Chittoor District. (A-22)
10. Gundikayala Ravi, S/o. G.Lakshmaiah,
Aged 42 years, R/o. Medukondavaripalli Village,
H/o. Ruyavaripalli Panchayath, Pulicherla Mandal,
Chittoor District. (A-23)
11. Gunkanti Nagaraja, S/o. Narasimhulu,
Aged 39 years, R/o. Getukada Besthapalle,
H/o. Yerra Paapigaripalle Village,
Pulicherla Mandal, Chittoor District. (A-24)
12. Ramasamudram Balaji, S/o. Munaswami,
Aged 23 years, R/o. Peddarikunta Village,
H/o. Muthukuru, Pedda Panjani Mandal,
Chittoor District. (A-25)

...Petitioners/A2, A9, A13, A17, A18, A19, A20
A21, A22, A23, A24 and A25

And

The State of Andhra Pradesh,
Through Station House Officer,
Punganur Urban Police Station,
Annamayya District,
Rep. by the Public Prosecutor,
High Court of Andhra Pradesh
at Amaravati.

...Respondent/Complainant

Petition under Sections 437 and 439 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioners/ A2, A9, A13, A17, A18, A19, A20, A21, A22, A23, A24 and A25 on bail in connection with Crime No. 271 of 2023 of Punganur Urban Police Station, Annamayya District .

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri DHANUNJAY GONUGUNTLA Advocate for the Petitioner and of Public Prosecutor for Respondent, the Court made the following

ORDER

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.

//TRUE COPY//

For A

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The II Addl. District and Sessions Judge, Madanapalle.
2. The Judicial Magistrate of First Class, Punganur.
3. The Superintendent, Central Prison, Kadapa, YSR District.
4. The Station House Officer, Punganur Urban Police Station, Annamayya District.
5. One CC to SRI. DHANUNJAY GONUGUNTLA Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court of A.P.[OUT]
7. One spare copy.

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HIGH COURT

KSRJ

DATED:21/09/2023

BAIL ORDER

CRLP.No.6728 of 2023

ALLOWED

