

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MONDAY, THE EIGHTH DAY OF MAY,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE A. V. SESA SAI

AND

THE HONOURABLE SRI JUSTICE DUPPALA VENKATA RAMANA



IA No. 1 OF 2023

IN

CRLA NO: 2019 OF 2018

Between:

Pagidipalli Srinivasa Rao @ Srinu, S/o.Saidulu, Age:35 years, R/o Indira Colony,
Dachepalli Village & Manadal, Guntur District, Andhra Pradesh.

...PETITIONER/APPELLANT/ACCUSED

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court at
Amaravathi.

...RESPONDENT/RESPONDENT/COMPLAINANT

Petition under Section 389(1) praying that in the circumstances stated in the petition, the High Court may be pleased to release the petitioner on bail in CrI.A.No. 2019/2018 before this Hon'ble Court which is filed against the judgment passed in S.C.No. 158 of 2013 by the Court of the X Additional District and Sessions Judge, Gurazala, Guntur District, Andhra Pradesh, dated 05-02-2018, Pending disposal of CRLA No. 2019 of 2018, on the file of the High Court.

Counsel for the Petitioner :Dr CHALLA SRINIVASA REDDY

Counsel for the Respondent :PUBLIC PROSECUTOR

The Court made the following

ORDER:

"This is an application, filed under Section 389(1) of the Code of Criminal Procedure, seeking bail.

Main Criminal Appeal came to be preferred by the petitioner-accused against the judgment dated 05.02.2018, passed by the Court of the learned X Additional District and Sessions Judge, Gurazala, in Sessions Case No.158 of 2013. By way of the said judgment, the learned Sessions Judge convicted the accused-petitioner herein for the offence punishable under Sections 302 I.P.C., and sentenced to undergo life imprisonment to pay fine of Rs.10,000/- and further convicted for the offence punishable under Section 498-A of I.P.C., and

sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for one month, apart from other punishments.

In this application, the petitioner is seeking bail by placing reliance on the judgment of the Composite High Court of Andhra Pradesh in the case of *Batchu Rangarao and ors., Vs., State of Andhra Pradesh* reported in [2016(3) ALT (Criminal) 505 (AP)]. In the said judgment, the Court laid down the following guidelines, while considering the bail applications of the present nature:

“(1) A person who is convicted for life and whose appeal is pending before this Court is entitled to apply for bail after he has undergone a minimum of five years imprisonment following his conviction;

(2) Grant of bail in favour of persons failing in (1) supra shall be subject to his good conduct in the jail, as reported by the respective Jail Superintendents;

(3) In the following categories of cases, the convicts will not be entitled to be released on bail, despite their satisfying the criteria in (1) and (2) supra:

The offences relating to rape coupled with murder of minor children dacoity, murder for gain, kidnapping for ransom, killing of the public servants, the offences falling under the National Security Act and the offences pertaining to narcotic drugs.

(4) While granting bail, the two following conditions apart from usual conditions have to be imposed, viz., (1) the appellants on bail must be present before the Court at the time of hearing of the Criminal Appeals; and (2) they must report in the respective Police Stations once in a month during the bail period.”

Instructions furnished by the jail Superintendent are placed on record by the learned Public Prosecutor. According to the said instructions, the conduct of the petitioner is satisfactory and he has completed more than five

years of actual sentence. It is not the case of the prosecution that the instant case falls under the exceptions as mentioned in the aforesaid decision.

For the aforesaid reasons, this petition is allowed, directing enlargement of the petitioner on bail in S.C.No.158 of 2013 on the file of the Court of the learned X Additional District and Sessions Judge, Gurazala, subject to the petitioner furnishing a personal bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for the like sum each to the satisfaction of the Court of the learned I Additional Judicial Magistrate of First Class, Gurazala. It is made clear that the petitioner shall attend before the said Court on one day in the first week of every month, pending appeal and if the same is not adhered to, the same be brought to the notice of this Court for passing necessary order for cancellation of bail. It is further made clear that at the time of hearing the appeal, the petitioner shall be present before this Court."

Sd/- G. SRINIVAS REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The I Additional Judicial Magistrate of First Class, Gurazala, Guntur District.
2. The X Additional District and Sessions Judge, Gurazala, Guntur District.
3. The Superintendent, Central Prison, Rajahmundry, East Godavari District.
4. One CC to Dr CHALLA SRINIVASA REDDY Advocate [OPUC]
5. Two CCs to Public Prosecutor (AP) High Court of Andhra Pradesh [OUT]
6. One spare copy

CVSS

HIGH COURT

AVSSJ
&
DVRJ

DATED:08/05/2023

ORDER

IA No. 1 OF 2023
IN
CRLA NO: 2019 OF 2018

DIRECTION

