

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY ,THE FOURTH DAY OF APRIL

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE K SURESH REDDY

AND

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 1 OF 2024

IN

CRLA NO: 2170 OF 2018

Between:

Mudavath Swamy Naik, S/o. Pedda Balu Naik, Hindu, aged about 25 years,
R/ o. Bridge Thanda Village, Kanumala cheruvu Panchayati, Bollapalli
Mandal, at present Palnadu District.

...Appellant/Accused No.1

AND

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

...Respondent

Petition under Section 389(1) of Cr.P.C praying that in the
circumstances stated in the memorandum of grounds filed in support of the
petition, the High Court may be pleased to grant bail to the petitioner/Appellant
after suspending the sentence passing by the XIII Addl. Dist. and Sessions
Judge, Narsaraopet. In Sessions case No: 93/2018 against the
petitioner/appellant, Pending disposal of CRLA No. 2170 of 2018, on the file
of the High Court.

Counsel for the Appellant :SRI SRINIVASA RAO G CH

Counsel for the Respondent :PUBLIC PROSECUTOR



The Court made the following
ORDER:

The present application is filed by the petitioner/appellant/Accused under Section 389 (1) of Cr.P.C., seeking his release on bail by suspending the sentence of imprisonment imposed by the learned XIII Additional District and Sessions Judge, Narasaraopet, vide S.C.No.93 of 2018, dated 19.07.2018, pending the present Criminal Appeal before this Court.

2. The learned counsel for the petitioner/appellant contends that immediately after pronouncement of judgment, the petitioner/appellant/Accused was taken into custody and he is undergoing imprisonment in Central Jail, Rajahmundry, for the last more than seven (07) years. The learned counsel for the petitioner/appellant further contends that as the appeal is of the year-2018, it takes some more time to come up for "Final Hearing". As such, he requests this Court to enlarge the petitioner/appellant/Accused on bail in terms of the order passed by the Combined High Court in Batchu Rangarao and others Vs The State of Andhra Pradesh (Crl.A.M.P.No.1687 of 2016 in Crl.A.No.607 of 2011).

3. On the other hand, the learned Public Prosecutor, on instructions, states that the case of the petitioner/appellant/ Accused has not fallen within the prohibitory categories envisaged in the above referred judgment.

4. In view of the same, this Court is inclined to enlarge him on bail by suspending the sentence of imprisonment imposed by the learned Sessions Judge pending the present Criminal Appeal.

5. The petitioner/appellant/Accused is directed to be released on bail on his 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 Judicial Magistrate of First Class, Vinukonda.

6. The petitioner/appellant/Accused is directed to report before the Station House Officer concerned, once in a month i.e., 1st of every month. The petitioner/appellant/Accused is also directed to appear before this Court whenever the case stands posted for hearing.

7. The petitioner/Appellant/Accused is further directed not to create/cause any law and order problem during ensuing General Elections. In case of defiance of any of the above conditions, prosecution is at liberty to file an application for cancellation of bail.

8. Accordingly, with the above directions, this application is allowed.

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For /

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Vinukonda, Guntur District
2. The XIII Additional District and Sessions Judge, Narsaraopet, Guntur District
3. The Superintendent, Central Jail, Rajahmundry, East Godavari District
4. One CC to SRI. SRINIVASA RAO G CH Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
6. Two spare copies

PSR

HIGH COURT

KSR,J
&
BVLNC,J

DATED:04/04/2024

ORDER

IA No. 1 OF 2024
IN
CRLA NO: 2170 OF 2018

ALLOWED

