

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
THURSDAY, THE FOURTEENTH DAY OF MARCH,
TWO THOUSAND AND TWENTY FOUR



:PRESENT:

THE HONOURABLE SRI JUSTICE K SURESH REDDY
AND

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI
IA Nos. 1 AND 2 OF 2024

IN

CRLA NO: 2678 OF 2018

I.A.NO.1 OF 2024:

Between:

Gumma Atchaiah, S/o Raju, Age: 48 years, Convict No.7060, R/o. Atchalagadda Village, Dachepalli Mandal, Guntur District, Andhra Pradesh.

Now the petitioner is in Central Prison, Central Prison, Rajahmundry, Andhra Pradesh.

...Petitioner/2nd Appellant/A-2

AND

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

...Respondent/Respondent/Complainant

Petition under Section 389(1) of CR.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to release the petitioner on bail in CrI.A.No. 2678/2018 before this Hon'ble Court which filed against the judgment passed in S.C.No. 115 of 2016 by the Court of X Additional District and Sessions Judge, Gurazala, Guntur District, Andhra Pradesh, dated 11-09-2018, pending disposal of CRLA No. 2678 of 2018, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 23.10.2018, 22.10.2021, 01.11.2021, 03.11.2021 & 13.10.2022 made herein and upon hearing the arguments of Sri Challa Srinivasa Reddy, Advocate for the Appellant and of Public Prosecutor for the Respondent

I.A.NO.2 OF 2024:

Between:

Sampathi Srinivasa Rao, S/o Peraiah, Aged about 39 years, R/o Saranpalli Agraharam Village, Now at Irikepalli Bodu, Guntur District.

...Petitioner/Appellant/A-1

AND

The State of A.P., Rep., by its Public Prosecutor, High Court of Amaravathi.

...Respondent/Complainant

Petition under Section 389(1) of CR.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to release the petitioner on bail in Crl.A.No. 2678/2018 on the file of this Hon'ble Court filed against the judgment dated 11-09-2018 passed in S.C.No. 115 of 2016 by the Court of X Additional District and Sessions Judge, Gurajala, Guntur District, Andhra Pradesh, by suspending the sentence of imprisonment for life and other sentences imposed by the court, pending disposal of CRLA No. 2678 of 2018, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 23.10.2018, 22.10.2021, 01.11.2021, 03.11.2021 & 13.10.2022 made herein and upon hearing the arguments of Sri Y.Koteswara Rao, Advocate for the Appellant and of Public Prosecutor for the Respondent

**The Court made the following
ORDER:**

"Both I.A. Nos. 1 and 2 of 2024 are filed by the petitioners/appellants/Accused Nos. 1 and 2 respectively, under Section 389 (1) of Cr.P.C., seeking their release on bail by suspending the sentence of imprisonment imposed by the learned X Additional District and Sessions Judge, Gurajala, Guntur District, vide S.C.No.115 of 2016, dated 11.09.2018, pending the present Criminal Appeal before this Court.

2. The learned petitioners/appellants counsel for contends that immediately after pronouncement of the judgment, the petitioners/appellants were taken into custody and they are undergoing imprisonment in Central Prison, Rajahmundry, and they have completed stipulated period of Five (05) years. As such, he requests this Court to enlarge the petitioners/appellants/Accused Nos.1 and 2 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 petitioners/appellants/Accused Nos.1 and 2 have not fallen within the prohibitory categories in the above referred judgment.

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

5. The petitioners/appellants/Accused Nos. 1 and 2 are directed to be released on bail on their executing personal bonds for Rs.20,000/-(Rupees Twenty Thousand only) each with two (02) sureties for a like sum each to the satisfaction of the learned I Additional Junior Civil Judge, Gurazala, Guntur District.

6. The petitioners/appellants/Accused Nos. 1 and 2 are directed to report before the Station House Officer concerned, once in a month i.e., 1st of every month. The petitioners/appellants/Accused Nos.1 and 2 are further directed to appear before this Court whenever the case stands posted for hearing.

7. Accordingly, these applications are allowed."

//TRUE COPY//

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The I Additional Junior Civil Judge, Gurazala, Guntur District. ✓
2. The X Additional District and Sessions Judge, Gurajala, Guntur District.
3. The Superintendent, Central Prison, Rajahmundry, Andhra Pradesh. ✓
4. The Superintendent, Sub Jail, Sattenapalli, Palnadu District.
5. The Station House Officer, Gurazala Rural Circle, Guntur District. ✓
6. One CC to SRI. Y KOTESWARA RAO Advocate [OPUC]
7. One CC to SRI. CHALLA SRINIVASA RAO, Advocate [OPUC]
8. Two CCs to PUBLIC PROSECUTOR, High Court of A.P., Amaravati.[OUT]
9. One spare copy.

PSD

HIGH COURT

KSR,J
&
BVLNC,J

DATED:14/03/2024

ORDER

I.A.NOS. 1 AND 2 OF 2024
IN
CRLA.No.2678 of 2018

ALLOWED

