

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE A V SESA SAI
AND
THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA

IA No. 1 OF 2023

IN

CRLA NO: 7 OF 2018

Between:

Poluboyina Vamsi Krishna, S/o. Subba Rao, aged about 33 years, R/o.
Mudirajulu, Pangidigudem, Dwarka Tirumala, Andhra Pradesh.
...Petitioner/Appellant

AND

The State of Andhra Pradesh, rep. by the Public Prosecutor, High Court of
Andhra Pradesh at Amaravathi.
...Respondent/Respondent

Petition under Section 389(1) of Cr.P.C praying that in the circumstances stated in the memorandum of grounds filed in Criminal Appeal, the High Court may be pleased to release the Petitioner on bail after suspending the operation of the sentence imposed in S.C.No. 33/2014 dated 24-11-2017 on the file of Sessions Judge, Mahila Court, Vijayawada disposal of the Crl.A.No.7/2018 in the interest of justice, pending disposal of CRLA No. 7 of 2018, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and the earlier Order of the High Court dated 04.01.2018 made herein and upon hearing the arguments of Sri P Nagendra Reddy, Advocate for the Petitioner and of Public Prosecutor for the Respondent, 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 24.11.2017 passed by the Court of the learned Sessions Judge, Mahila Court, Vijayawada, in Sessions Case No.33 of 2014. By way of the said judgment, the learned Sessions Judge convicted the accused-petitioner herein for the offence punishable under Sections 364, 302 and 392 I.P.C., and sentenced him to undergo life imprisonment.

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 subject to the petitioner furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for the sum each to the satisfaction of the Court of the learned IV Additional Chief Metropolitan Magistrate, Vijayawada. 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/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

SB

//TRUE COPY//

For ,

SECTION OFFICER

To,

1. The Sessions Judge, Mahila Court, Vijayawada, Krishna District.
2. The IV Addl. Chief Metropolitan Magistrate Court, Vijayawada, Krishna District
3. The Superintendent, Central Prison, Rajahmundry, East Godavari District.
4. The Station House Officer, Patamata Police Station, Patamata, Vijayawada.
5. One CC to Sri. P Nagendra Reddy, Advocate [OPUC]
6. Two CC to Public Prosecutor, High Court of AP [OUT]
7. Twp spare copies.

MSB

HIGH COURT

AVSS,J & VJP,J

DATED:02/03/2023

BAIL ORDER

IA NO.1 OF 2023
IN
CRLA.No.7 of 2018

ALLOWED

