

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD.

MAIN CASE NO: Crl.A.Nos.1188, 1359 of 2017 and 2609
of 2018

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
	20.07.2023	<u>KL,J & PSS,J</u> <u>I.A.Nos.01 and 02 of 2022 in Crl.A.No.1188</u> <u>of 2017, I.A.No.1 of 2023 in Crl.A.No.2609</u> <u>of 2018 and I.A.No.1 of 2023 in</u> <u>Crl.A.No.1359 of 2017</u> Heard Sri V.Raghunath, learned Senior Counsel appearing for appellants in Crl.A.No.1188 of 2017, Smt. G.Jaya Reddy, learned counsel appearing for appellant in Crl.A.No.2609 of 2018, Ms. Ahamed Ghorfi Fiaze, learned counsel for the appellant in Crl.A.No.1359 of 2017 and Sri T.V.Ramana Rao, learned Additional Public Prosecutor. Petitioners herein are accused Nos.4, 8, 9 and 12 in SC.No.45 of 2014. Vide, impugned Judgement dated 25.09.2017 in SC.No.45 of 2014, learned Special Sessions Judge for Trial of Cases under the SCs & STs (POA) Act-cum-VIII Additional Sessions Judge at Nizamabad convicted the petitioners and sentenced to undergo life imprisonment. They are in jail from	

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		25.09.2017. The appeals are of the year 2017 and 2018, The only allegation against the petitioners/accused Nos.4, 8, 9 and 12 are that they have beat the deceased with sticks, due to which the deceased received injuries and died thereafter. As stated supra, they are in jail from 25.09.2017. In Batchu Rangarao v. State of A.P., rep.by its Public Prosecutor, High Court of Judicature at Hyderabad for the State of Telangana and the State of A.P.¹ a Division Bench of this Court evolved criteria for deciding <i>interim</i> bail applications filed by the accused during pendency of appeal, and the relevant paragraph is extracted as under: <i>“On considering their valuable suggestions and after a thorough evaluation of the relevant factors, we are inclined to indicate broad criteria on which the applications for grant of bail pending the Criminal Appeals filed against the conviction for the offences, including the one under Section-302 IPC, and sentencing of the appellants to life among other allied sentences, are to be considered. Accordingly, we evolve the following criteria:</i>	

¹. 2016 (3) ALT (CrI.) 505 (DB)

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		<i>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;</i> <i>2) Grant of bail in favour of persons falling in (1) supra shall be subject to his good conduct in the jail, as reported by the respective Jail Superintendents;</i> <i>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:</i> <i>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.</i> <i>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.</i>	

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		<i>This broad criteria cannot be understood as invariable principles and the Bench hearing the bail applications may exercise its discretion either for granting or rejecting the bail based on the facts of each case. Needless to observe that grant of bail based on these principles shall, however, be subject to the provisions of Section-389 of the Code of Criminal Procedure.”</i> In the light of the aforesaid discussion, petitioners herein/accused Nos.4, 8, 9 and 12 are entitled for the benefit under the aforesaid criteria evolved by Division Bench. Therefore, we are inclined to grant bail to the petitioners herein. It is relevant to note that vide order dated 28.06.2023 in I.A.No.1 of 2022 in CrI.A.No.1194 of 2017, we have granted bail to accused No.16 considering the criteria evolved by Division Bench in Batchu Rangarao’s case. The present petition is accordingly allowed granting bail to the petitioners - appellants (accused Nos.4, 8, 9 and 12), <i>namely</i> Mandula Pedda Sailu @ Vonteddu Sailu s/o Pedda Sailu, Gandala Laxman s/o Sailoo, Nymathabad Madanlal @ Katike Madanlal s/o. Sharfu and Bandari Venkati @ Vodde Venkati s/o Yellaiah, on executing a personal bond	

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		for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two (02) sureties for a like sum each to the satisfaction of learned Special Sessions Judge for Trial of Cases under the SCs & STs (POA) Act-cum-VIII Additional Sessions Judge at Nizamabad. During bail, the petitioners/accused Nos.1 and 2 shall not indulge in any criminal acts. <u>Crl.A.Nos.1188, 1359 of 2017 and 2609 of 2018</u> List on 31.10.2023. _____ KL,J _____ PSS,J Ssy/Pss	

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