

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE TWENTY EIGHTH DAY OF MARCH

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SURESH REDDY

CRIMINAL PETITION NO: 6546 OF 2024



Between:

1. Shaik Abdulla, S/o Saidhulu, Aged about 53 years, R/o. 44-15-189, Lenin Nagar, Gunadala, Machavaram, Vijayawada, Krishna District- 520004. (A-6)
2. Komatipalli Durgarao, S/o Krishnaiah, Aged about 41 years, R/o 49-2-17 C, Urmila Nagar, Gunadala, Vijayawada- 520004. (A-7)
3. Joga Ramana, S/o Joga Satyanarayana, Aged about 39 years, R/o 41-4-39, Peeta Basavaiah Street, Krishna Lanka, Vijayawada- 520013. (A-8)
4. Goka Durga Prasad, S/o Venkata Rao, Aged about 45 years, R/o 12-656, Sundarayya Nagar, Tadepalle, Guntur- 522501. (A-9)
5. Joga Raju, S/o Nukaraju, Aged about 44 years, R/o 41-23/5-20, Oil Kottu Street, Krishna Lanka, Vijayawada- 520013. (A-11)
6. Shaik Babu, S/o Shaik Saleem, Aged about 41 years, R/o 41-28/5-58, Sagulaperraya, Krishna Lanka, Vijayawada- 520013. (A-12)
7. Yellaboyina Prabhudasu, S/o Y. Lingaiah, Aged about 43 years, R/o 32-42/8-10, Maruti Nagar, Machavaram, Vijayawada- 520004. (A-21)
8. Karnati Ramaswami, S/o Lakshmaiah, Aged about 45 years, R/o 53-1-69, Vijaya Nagar Colony, Gunadala, Vijayawada- 520008. (A-22)
9. Songa Sudheer Varma, S/o Songa Steven, Aged about 46 years, R/o 36-7-15, Mattukoyya Vandnam Veedhi, Wood Pet, Vijayawada- 520010. (A-24)
10. Komira Ramesh Babu, C/o KomiraRajaraao, Aged about 32 years, R/o 41-28/7-16, Krishna Lanka, Vijayawada- 520013. (A-25)

11. Setikam Durgarao, S/o Janardhana Rao, Aged about 39 years, R/o 70-11-13, Santi Nagar, Patamata, Vijayawada- 520011. (A-27)
12. Kalapala Ambedkar, S/o Prasad Rao, Aged about 52 years, R/o 52-1-39, KalapalaVari Street, Gunadala, Vijayawada- 520004. (A-32)
13. Batchu Murali Krishna, S/o Punnaiah, Aged about 52 years, R/o 24-17-12, 4th line, Bavaji Peta, Vijayawada- 520003. (A-36)
14. Challa Veeraswami, S/o ChallaSrinivasa Rao, Aged about 34 years, R/o 41-28/2-22, T P Raju Street, RaniganThota, Krishna Lanka, Vijayawada- 520013. (A-38)
15. Kasagoni Durgarao, S/o Lakshmaiah, Aged about 49 years, R/o 41-1/14-134, Ranadheev Nagar, Krishna Lanka Vijayawada- 520013. (A-42)
16. Kandra Yedukondalu, , S/o Subbaiah, Aged about 45 years, R/o 41-22/1-6, Swargapuri Road, 5th Line, Bramaramba Puram, Krishna Lanka, Vijayawada- 520013(A-44)
17. Maddela Sai, S/o Maddela Satyanarayana Raju, Aged about 37 years, R/o 41-2/3-17, Harijana Sevasangam Street, Metia Bazar Road, Krishna Lanka, Vijayawada- 520013. (A-46)
18. PantalaSaibaba, C/o PantalaBala Rama Krishna, Aged about 35 years, R/o 41 -20/2-61, 2nd Floor, G Towers, Pachamedu Bazar, Vijayawada- 520013. (A-49)
19. Puppala Raja, , S/o Puppala Vishnu Surya Prakasaraao, Aged about 36 years, R/o 41-1/2-36, PuppalaVari Street, Opp. Pindimara, Dwaraka Nagar 3rd line, Krishna Lanka, Vijayawada- 520013. (A-50)
20. Mullapudi Sai Santosh, S/o MullapudiHanumantha Rao, Aged about 34 years, R/o 41- 4-1, Metia Bazar, Krishna Lanka, Vijayawada- 520013. (A-53)
21. Kandru Sri Raj, S/o Sudhakar, Aged about 33 years, R/o 41-8/2-18, Pathagudia Bazar, Krishan Lanka, Vijayawada- 520013. (A- 55)

...Petitioners/Accused

AND

The State of Andhra Pradesh, Rep. by the Station House Officer, Mangalagiri Rural P.S., Rep. through Public Prosecutor, High Court of Andhra Pradesh at Amaravathi.

...Respondent

Petition under Section 482 of BNSS (438 of Cr.P.C), praying that in the circumstances stated in memorandum of grounds of criminal petition, the High Court may be pleased to enlarge the Petitioners on bail in the event of their arrest by the Respondent Mangalagiri Rural P.S., Guntur Urban District in Crime No.650/2021, dated 19.10.2021;

IA NO: 1 OF 2024:

Petition under Section 482(1) of BNSS (438(1) of Cr.P.C), praying that in the circumstances stated in memorandum of grounds of criminal petition, the High Court may be pleased to grant interim bail to the Petitioners by directing the Respondent Mangalagiri Rural P.S., Guntur Urban District not to arrest the petitioner in Crime No.650/2021, dated 19.10.2021, pending disposal of CRLP.No.6546 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and memorandum of grounds of criminal petition and the order of the High Court dated 01.10.2024, 16.10.2024, 29.10.2024, 26.11.2024, 10.12.2024 & 27.12.2024, 10.01.2025, 05.02.2025, 17.02.2025 & 24.02.2025 made herein and upon hearing the arguments of Sri Satish Sandu, Advocate for the Petitioners and Public Prosecutor for the Respondent, the Court made the following;

ORDER

Today when the matter is taken up for hearing, Sri Ponnavolu Sudhakar Reddy, learned Senior Counsel, representing Sri Sandu Satish, learned counsel for the petitioners, states that during pendency of the present Criminal Petition, petitioner Nos.4, 20 & 21 / A.9, A.53 & A.55 were already arrested and they were enlarged on bail by the Court below.

2. In view of the said statement, the present Criminal Petition, insofar as the petitioner Nos.4, 20 & 21 / A.9, A.53 & A.55 are concerned, is hereby dismissed as infructuous. As such, the present Criminal Petition is in respect of other petitioners.

3. The petitioners are accused in Cr.No.650/2021 of Mangalagiri Rural Police Station, Guntur District, registered for the offence punishable under Sections 147, 148, 452, 427, 323, 324 & 506 r/w 149 IPC. It is brought to the notice of this Court that subsequently said crime was transferred to C.I.D.

4. Case of the prosecution is that on 19.10.2021 at about 05.20 P.M., when the *de facto* complainant was in the office of the Telugu Desam Party, the petitioners along with 70 others attacked the office and caused injuries to some of the prosecution witnesses. On the basis of the said allegation, the present crime has been registered against the petitioners and others.

5. Sri Ponnavolu Sudhakar Reddy, learned Senior Counsel, vehemently argued that a false case has been foisted against the petitioners as they belong to opposite party. Further, he contends that the injuries received by the prosecution party are simple in nature. He further contends that all the offences alleged against the petitioners are punishable with seven years or less than seven years. Learned Senior Counsel further contends that some of the accused approached the Hon'ble Supreme Court, questioning the order refusing to grant anticipatory bail by this Court, vide S.L.P. (Crl.) No.12873 of 2024 and S.L.P. (Crl.) No.13607 of 2024. After hearing both sides, the Hon'ble

Supreme Court disposed of the said S.L.Ps by order dated 25.02.2025 granting anticipatory bail to the petitioners therein. The Hon'ble Supreme court in its order observed as under:

"All the same, it would also be relevant to mention here that admittedly no efforts were made at the hands of the complainant to move before the High Court in a Writ Petition seeking proper investigation in the case. Considering these facts, we allow the petitioners' prayer for anticipatory bail, as custodial interrogation at this stage may not be necessary.

Be that as it may, the fact also remains that if a crime has been committed, then the perpetrators must be brought to justice. The investigation must proceed fairly.

For this reason, while disposing of the petitions, we also direct that all the petitioner(s) shall co-operate with the ongoing investigation and be present at the Police Station or at any other designated place as required by the Investigating Officer and shall furnish all details which are in their possession and knowledge to the Investigating Officer.

We make it absolutely clear that the non-cooperation of the petitioner(s) will result in the vacating of this order. As such the respondent State is at liberty to approach this Court, if their investigation is hindered due to non-cooperation by the petitioner(s).

We have already directed that the petitioner(s) shall surrender their passport(s) to the Investigating Officer. Apart from that, it is hereby ordered that the petitioner(s) shall, in any case, not leave the country without prior information to the Investigating Officer or permission of the Court, in case charge sheet is filed in present case."

6. On the other hand, learned Additional Public Prosecutor opposed the bail application contending that section of law was altered to Section 307 IPC by Memo dated 03.07.2024.

7. Be that as it may, as the Hon'ble Supreme Court has already dealt with the matter elaborately and as some of the accused were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners 1 to 3 & 5 to 19 on the following conditions:

- (i) In the event of arrest of the petitioners 1 to 3 & 5 to 19, they are directed to be released on bail on their executing personal bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for the like sum each to the satisfaction of the concerned Investigating Officer.
- (ii) The petitioners 1 to 3 & 5 to 19 are directed to co-operate with Investigating Officer. They are further directed not to tamper with the prosecution witnesses in any manner. Non-cooperation of the petitioners 1 to 3 & 5 to 19 result in vacating of this order.
- (iii) The respondent – State is at liberty to approach this Court if the investigation is hindered due to non-cooperation by the petitioners 1 to 3 & 5 to 19.

Accordingly, the Criminal Petition is allowed.

Sd/- K.TATA RAO
DEPUTY REGISTRAR

[Signature]
//TRUE COPY//

For

SECTION OFFICER

To,

1. The Station House Officer, Mangalagiri Rural P.S, Guntur Urban District.
2. One CC to Sri. Satish Sandu, Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court of AP [OUT]
4. One spare copy



HIGH COURT

KSR,J

DATED: 28.03.2025

BAIL ORDER

CRLP.No.6546 of 2024

ALLOWED

