

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

CRIMINAL PETITION No.5115 OF 2022

ORDER:

This Criminal Petition is filed under Sections 437 & 439 of Criminal Procedure Code ('Cr.P.C.' in short), seeking regular bail, by the petitioner/Accused-65 in Crime No.126 of 2022 of Amalapuram Taluq Police Station, East District, registered for the offences punishable under Sections 143, 144, 147, 148, 151, 152, 155, 452, 436, 353, 332, 427, 183, and 307 read with 149 of IPC, Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 and Sections 3 (2)(v), 3 (2)(va) of the Scheduled Castes and the Scheduled Tribes (PoA) Act, 1989 (Amendment Act, 2015) (01/2016).

2. The facts of the case, in brief, are that on 24.05.2022 at about 4.00 p.m., on a call given by JAC of Konaseema Sadhana Committee, huge number of people gathered for submitting objections pursuant to issuance of Gazette notification with regard to change of name of Konaseema District, by violating the order under Section 144 of Cr.P.C. and Section 30 of the Police Act. The mob started rally at Kalasam Centre, Amalapuram Town and proceeded to Clock Tower Centre and in the meanwhile various groups of public came from four corners to the clock tower centre and formed into a huge mob.

Thereafter the mob moved to Collectorate and on the way to Collectorate, when Police were discharging their duties, the mob pelted stones on the Police and also burnt BVC college bus which was used as transport vehicle for Police.

Further, when the Police tried to control the mob at Collectorate, the mob pelted stones on Police personnel due to which some of the

Police sustained injuries, damaged the glasses of Collectorate Office and Ambedkar Bhavan.

Thereafter, the mob proceeded to Red Bridge (Erra Vanthenna), intercepted two RTC buses, damaged them and set fire to the buses.

The mob further moved towards the house of Hon'ble Minister. When the mob shouted and beat police persons, AR constable fired rounds in air, but agitators attacked police personnel; attacked staff of the Hon'ble Minister, caused damage to the furniture and set fire to the house of the Minister and later proceeded to the house of local MLA. Basing on the complaint lodged by the watchman of the house of the Minister, Crime No.127 of 2022 was registered.

3. Heard Sri V.V. Satish, learned counsel for the petitioner and Sri Soora Venkata Sainath, learned Special Assistant Public Prosecutor for the respondent-State.

4. Learned Senior Counsel submitted that initially petitioner's name was not figured in the complaint. Basing on the confession statement of A1, his name was reflected and it is also contended that some of the accused in Crime Nos.138, 139, 140 and 141 of 2022, registered in connection with the same incident, were granted bail in Criminal Petition Nos.4881, 4882, 4883 and 4885 of 2022, respectively and sought to consider the present petition also in similar lines. It is also contended that the petitioner is languishing in jail since 30.05.2022 and requested to consider enlarging the petitioner on bail on any conditions that may be imposed.

5. On the other hand, the learned Special Assistant Public Prosecutor submitted that the involvement of the petitioner is evident from the photographs taken at the scene of offence and investigation is still pending. If at all this Court wants to consider the present bail petition, in such case, he drew the attention of the Court to the decision of the Hon'ble Supreme Court in **Kodungallu Film Society v. Union of India**¹ wherein it is held as follows:

C. Liability of person causing violence

- a)
- b)
- c) A person arrested for either committing or initiating, promoting, instigating or in any way causing to occur any act of violence which results in loss of life or damage to property may be granted conditional bail upon depositing the quantified loss caused due to such violence or furnishing security for such quantified loss."

Relying on the judgment cited supra, the learned Special Assistant Public Prosecutor, prayed this Court to impose some costs for the loss caused to the State.

6. A perusal of the complaint discloses that initially the petitioner's name is not reflected, but on the confession statement of A1, the petitioner's name is reflected in the above crime.

With regard to the contention of the learned Special Assistant Public Prosecutor, relying on the judgment cited supra, till today, there is no material to show that the petitioners have damaged any property. In view of the same, the decision relied on by the learned Special Assistant

¹ (2018) 10 SCC 713 : 2018 SCC Online SC 1719

Public Prosecutor cannot be made applicable at this stage and his request to impose costs cannot be considered.

Taking the facts and circumstances of the case into consideration and considering the submissions of the learned Senior Counsel that in similar matters stated supra, this Court has granted bail, this Court feels it appropriate to consider granting bail to the petitioner on the following conditions:

(i) The petitioner shall be released on bail on his executing self bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the learned Additional Judicial Magistrate of First Class, Amalapuram;

(ii) The petitioner shall appear before the concerned Station House Officer, twice in a week i.e. on every Monday and Thursday between 9.00 a.m. and 12.00 noon, till filing of the charge sheet;

(iii) The petitioner shall not directly or indirectly contact the complainant or any other witnesses under any circumstances and any such attempt shall be construed as an attempt of influencing the witnesses and shall not tamper the evidence and shall co-operate with the investigation.

(iv) The petitioner shall furnish his mobile phone number and residential address as well as that of his sureties to the I.O./SHO concerned and they shall keep their mobile phones operational at all times during this period and in the event of any change of the same, they shall immediately inform the same to the I.O./S.H.O. and,

(v) The petitioner shall drop a pin location on Google Maps so that the location of the petitioners is available to the Investigation Officer.

Further, the petitioner shall scrupulously comply with the above conditions and breach of any of the above conditions will be viewed seriously and bail automatically gets cancelled without any further order of this Court.

Accordingly, the Criminal Petition is **allowed**.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

21st July, 2022

GBS