

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION No.7893 of 2023

ORAL ORDER:

Accused No.1 in Crime No.79 of 2023 on the file of Mudiveedu Police Station, Annamayya District, filed the present petition under Section 438 Cr.P.C., seeking pre-arrest bail in connection with the said crime.

2. The aforesaid crime has been registered for the offences punishable under Sections 120-B, 147, 148, 153, 307, 115, 109, 323, 324 and 506 read with 149 I.P.C., on the basis of the report dated 08.08.2023 lodged by one D.R. Umapathi Reddy, Chairman of Market Committee, Kurabalakota Mandal. The contents of his report, in brief, are as under:

On 04.08.2023, the de facto complainant, who is a party worker of YSRC Party, along with other party workers of YSRC Party and villagers, was waiting at three-road junction, Angallu, by setting up a tent and wearing black scarves, with the intention of giving a representation against obtaining of stay orders with regard to Pitchalavandlapalle Project to the former Chief Minister of Andhra Pradesh, Sri Nara Chandra Babu Naidu (accused No.1), who was about to travel along that way on that day on account of his visit to Chittoor District from

Ananthapuramu. At about 2.30 p.m. on that day, the convoy of accused No.1 reached the three-road junction of Angallu village and at that time, accused No.1, upon seeing the tent set up by the de facto complainant and others and upon identifying them as YSRCP leaders, pointed his finger towards them and by referring to them, stated as "thamaashaaga vundha? Aa naa kodukulanu tharamandira, veseyandira vaallani" (Is it fun? chase away these fellows, do away with them). Upon hearing the same, accused Nos.2 to 13 present in his vehicle instigated their followers, accused Nos.14 to 20, and other TDP workers, by way of certain gestures and words, to make an attack on the de facto complainant and other YSRC party workers, upon which they formed into an unlawful assembly and made an attack on the de facto complainant and others, with deadly weapons i.e., stones, sickles, bricks, sticks and iron rods, carried by them. On realizing that the said TDP persons were prepared to kill them, the de facto complainant party tried to run away, but the accused party threw stones at them and caused bleeding injuries and some of the police officials, who came to control the situation, were also injured. While attributing specific overt acts to certain accused persons, it is alleged that the manner in which accused No.1 and other leaders in the vehicle provoked the attack would indicate that all of them conspired together, brought deadly weapons with an intention to kill those who intended to give representation, attacked them and attempted to kill them.

3. Heard Mr. Posani Venkateswarlu, learned Senior Counsel assisted by Mr. Ginjupalli Subba Rao, learned counsel for the petitioner, and the learned Additional Advocate General for the respondent-State. Perused the material available on record.
4. It is contended by the learned Senior counsel appearing for the petitioner that it is only a false case foisted on account of political rivalry, that there is an unexplained delay of four days in lodging the F.I.R., which casts a serious doubt on the veracity of the prosecution case, that even as per the report lodged by the defacto complainant, there is no injury sustained by the defacto complainant in the alleged incident, and that the alleged overt acts attributed to the present petitioner do not attract an offence under Section 307 I.P.C., which has been incorporated only with an intention to deprive the rights of the petitioner under Section 41-A Cr.P.C. It is further contended that after obtaining requisite permission, the petitioner was travelling on a rally along with thousands of people, and when he reached Angallu village in that process, persons associated with YSRC party, with an intention to cause obstruction to the rally, started throwing stones on the petitioner and his convoy, and the petitioner was protected by his security NSG commandoes. It is further contended that the other accused in this crime were granted anticipatory bail with certain conditions, vide common order dated 28.08.2023 passed in Criminal Petition Nos.5896, 5962 and 5987 of 2023, and that the Hon'ble Supreme Court refused to interfere with the same and dismissed the Special

Leave Petitions preferred by the State, vide order dated 03.10.2023 passed in SLP (Cri).Nos.11905-11907 of 2023. It is further submitted that the petitioner is aged about 73 years and there is no chance of his fleeing from justice owing to his stature as leader of the opposition party and national President of Telugu Desam Party and that the petitioner will co-operate with the investigation and abide by any of the conditions that may be imposed. It is, therefore, prayed that the petitioner may be granted pre-arrest bail in connection with the subject crime.

5. On the other hand, learned Additional Advocate General appearing for the State would submit that the delay in lodging the report cannot be looked at with suspicion as there was no improvement in the case of the prosecution. He further contends that it is only after verifying the CC TV footage and video clippings, the F.I.R. was lodged and that there is no basis to allege that the petitioner has been falsely implicated in the present crime. It is further contended that the incident took place at the instigation of the present petitioner only and that the petitioner, being the leader of the opposition party, should not have instigated the party workers in such a manner, which lead to series of events causing severe injuries to several people including about 47 police officials. It is further contended that mere granting of anticipatory bail to other accused and dismissal of S.L.Ps. by the Hon'ble Supreme Court does not automatically entitle the petitioner to the same relief, as the petitioner, being the main perpetrator and abettor, would stand on a different footing. It is further contended that the

statements of the witnesses recorded so far reveals the commission of alleged offences by the petitioner and other accused and many witnesses are yet to be examined and granting pre-arrest bail to the petitioner at this stage is not warranted, as there is every chance of his influencing the witnesses and hampering the investigation process. In the light of these submissions, he prays for dismissal of the petition.

6. The offences alleged against the petitioner and other accused are under Sections 120-B, 147, 148, 153, 307, 115, 109, 323, 324 and 506 read with 149 I.P.C. Except the offence under Section 307 I.P.C., the other offences alleged are not serious in nature. According to the prosecution, the alleged incident was preplanned with an intention to kill the YSRC party people and others, who were waiting at the scene of offence to give a representation. As seen from the report lodged by the defacto complainant, the allegation against the petitioner is that upon seeing the de facto complainant and others, who were waiting at the scene to give a representation to the petitioner, and upon identifying them as YSRCP leaders, the petitioner pointed his finger towards them and uttered some words instigating the leaders and party workers of Telugu Desam Party to cause an attack. There is no allegation that the petitioner participated in the alleged attack and there is no reference to any deadly weapon having been used by the petitioner in the alleged attack.

7. So far as the apprehension that the petitioner may influence the witnesses and hamper the investigation is concerned, it is to be noted that merely because he is an influential person, it cannot be assumed that he may influence the witnesses and hamper the investigation, more so, when the incident allegedly took place between two groups of persons belonging to rival political parties.
8. Having considered the matter in its entirety and also considering the fact that the other accused in the present crime have already been granted pre-arrest bail, with which no interference was made by the Hon'ble Supreme Court, this Court is of the opinion that the petitioner can be granted pre-arrest bail in connection with the present crime.
9. Accordingly, this criminal petition is allowed. In the event of arrest of the petitioner in relation to the subject crime, i.e., Crime No.79 of 2023 on the file of Mudiveedu Police Station, Annamayya District, he shall be released on bail on his furnishing a personal bond for Rs.1,00,000/- (Rupees One Lakh only) with two sureties for a like sum each to the satisfaction of the Station House Officer, Mudiveedu Police Station. It is directed that the petitioner shall co-operate with the investigation and shall not tamper with the prosecution witnesses.
10. As a sequel, pending interlocutory applications, if any, shall stand closed.

K. SURESH REDDY, J

Dt: 13.10.2023
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