

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

CRIMINAL PETITION NO: 1338 OF 2023

Between:

Shaik Sameer, S/o Abid, Aged about 24 years, R/o Beside Old Municipal Office,
Nellore, SPSR Nellore District.

Petitioner/Accused No.7

AND

The State of Andhra Pradesh, through the Station House Officer, Chinna Bazar
Police Station, Rep. by Public Prosecutor, High Court of Andhra Pradesh, At
Amaravathi.

Respondent/Respondent

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated
in the memorandum of grounds filed in support of the Criminal Petition, the High
Court may be pleased to enlarge the Petitioner/Accused No.7 on bail in the event of
his arrest by the Respondent Chinna Bazar P.S., SPSR Nellore District, in Crime
No.389/2022, dated 03.11.2022.

COUNSEL FOR THE PETITIONER : SRI MALIREDDY GOWTHAM

COUNSEL FOR THE RESPONDENT : PUBLIC PROSECUTOR

THE COURT MADE THE FOLLOWING ORDER

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.1338 of 2023

ORDER :

This Criminal Petition is filed seeking anticipatory bail under Sections 438 of the Code of Criminal Procedure, 1973 ('CrPC') to petitioner/A.7 in Crime No.389 of 2022 of Chinna Bazar Police Station, SPSR Nellore District registered for the offence under Section 27 (1) of Arms Act, Section 399-IPC.

2. Heard learned counsel for the petitioner/A.7 and the learned Assistant Public Prosecutor representing the respondent/State.

3. As per the case of prosecution on 02.11.2022 at around 9-00 P.M. A1 to A3 were preparing to commit decoity by lathel knives and sticks and by stopping the vehicles on the road, but they were noticed by the police on information, however some of the accused in this crime escaped while A1 to A4 were arrested carrying knives and sticks.

4. Learned counsel for the petitioner submitted that the petitioner is roping in this offence merely on the alleged confession of A1 supported by confession statement of A2 to A4. He further stated that so many cases were recently registered with similar accusations in view of the recent crimes happened and as such many suspects were impleaded in several crimes

and the present case is one of such incident. He further stated that the other accused who were arrested were also granted bail in this case and nothing more is required in the investigation to keep the petitioner in judicial custody.

5. Learned Assistant Public Prosecutor submitted that the investigation is still pending and that A1 to A4 who were arrested were granted bail. He further stated that the petitioner is involved in other crimes i.e., Crime No.781 of 2020 of I Town P.S. Nellore, Crime No.365 of 2021 of Vedayapalem P.S. and Crime No.43 of 2021 of Chinnabazar P.S. and opposed for grant of anticipatory bail.

6. In reply, learned counsel for the petitioner represented that the police have roped the petitioner also in this offence in view of suspicion based on other crimes which are yet to be proved. He further stated that the petitioner is ready to furnish sureties and also to abide by the conditions imposed by this Court, in the event of granting anticipatory bail.

7. Insofar as the allegation in this case is concerned as rightly submitted since expect the alleged confession of the co-accused, there is no other material and the arrested accused were already enlarged on bail, the petitioner can be granted anticipatory bail, however subject to certain conditions.

8. In the result, the petition is allowed. The petitioner/A7 (Shaik Sameer S/o Abid) shall be released on his furnishing personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like amount each, to the satisfaction of the Station House Officer, Chinna Bazar Police Station SPSR Nellore District.

- i. The petitioner/A.7 (Shaik Sameer S/o Abid) is directed to appear before the Station House Officer, Chinna Bazar Police Station, twice in a week i.e., on every Monday and Thursday between 10:00 AM and 5:00 PM until further orders or till charge sheet is filed whichever is earlier;
- ii. the petitioner/A.7 shall be available for investigation as and when required by the Investigating Officer;
- iii. the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Investigating or Police Officer.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. Station House Officer, Chinna Bazar Police Station
2. One CC to Sri Malireddy Gowtham Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court of AP [OUT]
4. One spare copy

HIGH COURT

BSB,J

DATED:01/03/2023

BAIL ORDER

CRLP.No.1338 of 2023

ALLOWED

