



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY
CRIMINAL PETITION NO: 2604 OF 2023

Between:

1. Sk.Aslam, S/o Nayum Aged 40 Years, Muslim, Parbhari, Mharashtra State.
2. Skaikh Akram Anwar, S/o Anwar Aged C/o Muslim Khandoba Bajar Road, Near MK Cykl Taxi Marath, Maharashtra State.
3. Shiva Prasad Gupta, S/o Mothilal Gupta Aged 47 yrs C/o Baniya Gupta Baniyantola, Majholi Sidhi, Madyapradesh .
4. Ramalakkan,, S/o Pancham Aged 38 C/o Nampeethi Khari, Sidhi Madyapradesh.
5. Ashok Babanrao Kale, s/o Babanrao baburao kale aged C/o Hatkan Marathi Jadav Gas Road Near GanapathiMandir, Sarafarajnagr,
6. Hanuman Immadhi, S/o Lakshman, Aged 35 yrs C/o Marathi, parbhani, Maharastra .

Petitioner/Accused A4 to A9

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Judicature of Andhra Pradesh at Amaravati.

Respondent/Complainant

Petition under Sections 437 and 439 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 release the petitioners on bail in on Cr.No 38/2022, Donkarai police station .

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and the order of the High Court dated 18.04.2023 made herein and upon hearing the arguments of Smt. KOPPISETTI PARVATI DEVI Advocate for the Petitioners and of PUBLIC PROSECUTOR for the Respondent and the Court made the following

ORDER:

"The Criminal Petition No.2593 of 2023 arising out of the Crime No.38 of 2022 of Donkaral Police Station, Alluri Sitharama Raju District has been filed one Smt. Boliboyina Sravani, Advocate appeared on behalf of seven accused and by an order, dated 21.04.2023, this Court granted bail to the petitioners therein.

In similar circumstances, on behalf of the same accused who are six in number one Koppisertti Parvati Devi, Advocate has filed Criminal

Petition No.2604 of 2023 on behalf of the accused for grant of bail and by an order dated 18.04.2023, this Court passed an order granting bail in respect of the petitioners herein.

Both the counsels have filed bail applications on behalf of the very same accused and this Court passed orders in granting bail in both the petitions.

Subsequently, it has come to the light that the Court below expressed inability to accept the sureties for the reason that both the order copies which have been placed before the Court below are in respect of the very same accused and that Court below expressed inability as to which order copy is to be accepted.

When it was brought about the same to the notice of this Court, this Court posted both the matters under caption 'for being mentioned' on 06.07.2023 and when the matters were called, at the first instance, since none of the counsels appeared on behalf of the petitioners, both the matters have been posted to 11.07.2023. Today when both the matters have come up for hearing, Koppisertti Parvati Devi, Advocate appeared in Criminal Petition No.2604 of 2023 on behalf of the petitioners and stated that she was originally engaged by the petitioners as Advocate to file bail petition on their behalf. On enquiry, the petitioners stated that one Mekala Anusha, Advocate, approached them and stated that the said K.P.Devi, Advocate met with an accident and she requested her to obtain their signatures on their behalf for obtaining bail. Believing the words of the Mekala Anusha the accused had signed on memo of appearance. Thereafter, the said Mekala Anusha has engaged one Boliboyina Sravani, Advocate and filed the Criminal Petition No.2593 of 2023.

The above circumstances shows the attitude of Mekala Anusha and Boliboyina Sravani are unbecoming in obtaining the signatures of the accused by making false representation that Smt K.P.Devi met with an accident.

In view of the above said circumstances Smt K.P.Devi has shown her bonafides stating that she was originally engaged by the accused and filed

affidavits to that extent on going through the said affidavits, this Court has satisfied with the truthfulness of the Smt K.P.Devi in coming forward and stating that she is one who has been engaged by the accused.

In view of the aforesaid facts and circumstances, this Court directs the Court below to accept the sureties in the Criminal Petition No.2604 of 2023 and pass orders in accordance with law. Whereas, the orders passed in Criminal Petition No.2593 of 2023 by this Court has been withdrawn.

Post after two (2) weeks."

Sd/- T. MADHAVI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Judicial Magistrate of First Class Court at Rampachodavaram.
2. The I Additional Sessions Judge, East Godavari at Rajamahendravaram.
3. The Superintendent, Central Prison, Rajamahendravaram
4. One CC to Smt. KOPPISETTI PARVATI DEVI Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of A.P.[OUT]
6. One spare copy.

HIGH COURT

SRKJ

DATED:11/07/2023

POST AFTER TWO WEEKS

ORDER

CRLP.No.2604 of 2023

DIRECTION

