

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION No.5967 of 2023

ORAL ORDER:

Accused No.1 in Crime No.270 of 2023 on the file of Punganur Urban Police Station, Chittoor, filed the present petition under Section 438 Cr.P.C., seeking pre-arrest bail in connection with the said crime.

2. The above crime has been registered for the offences punishable under Sections 147, 148, 120-B, 353, 332 & 307 read with Section 149 I.P.C. on the basis of the statement of one Nelli Bhaskar, Inspector of Police, CCS, Chittoor District, recorded by the Inspector of Police, Punganur Urban Police Station, while the former was taking treatment in Punganur Government Hospital. The contents of the said statement, in brief, are thus: On 04.08.2023, the defacto complainant was on bandobasth duty near Bhimaganipalli Cross on the route leading to Punganur Town and while he was attending to his duties at the said place, party workers of Telugu Desam Party came to Bhimaganipalli to welcome Sri Nara Chandra Babu Naidu. As part of their duties, the police erected barricades at the entrance of the road leading to Punganur Town from Madanapalle, so as to prevent any inconvenience being caused on account of vehicles coming from Punganur Town. Thereupon, Challa Ramachandra Reddy @ Challa Babu (accused No.1/petitioner herein), who is the In-charge of Punganur Constituency, along with accused Nos.2 to 39 and some other party workers of Telugu

Desam Party came there and questioned as to why barricades were erected when their leader Sri Nara Chandra Babu Naidu has to go into Punganur Town and picked up an argument with the police personnel. Thereupon, the defacto complainant and other police personnel replied that as per the tour programme and the instructions received by them, Sri Nara Chandra Babu Naidu would go to Chittoor through Punganur Bypass and as such, there is no permission to enter into Punganur Town. On hearing the same, the above mentioned persons and party workers of Telugu Desam Party, at about 4.30 p.m., picked up an argument with the police in an outrageous manner, demanding them to remove the barricades. When the police stated that they have no instructions to remove the barricades, accused No.1 got enraged and shouted that if the police are killed, they can facilitate their leader to go into Punganur Town, and accordingly, instigated the party workers of Telugu Desam Party with his words. On such instigation, the party workers of Telugu Desam Party have taken out beer bottles, stones and sticks, which were already in their possession as per the conspiracy entered into between them, removed the barricades and attacked the police. When the defacto complainant tried to escape from there, they attacked him with sticks and stones with an intention to kill him, as he warned them not to enter into Punganur Town, and caused bleeding injuries on his head and blunt injuries on legs. Apart from the defacto complainant, several other police officers and staff sustained bleeding injuries.

3. Learned counsel for the petitioner contends that the petitioner has not committed any of the offences alleged and a false crime has been registered. He further submits that the petitioner was not present at the place of incident at the time when the incident alleged to have taken place, and at that time, he was in Punganur Town making arrangements for the meeting of Sri Nara Chandra Babu Naidu. He further contends that except making omnibus allegations, no specific overt acts have been attributed to the petitioner and Section 307 I.P.C. is only added, with a view to magnify the offence. He, therefore, prays for grant of pre-arrest bail to the petitioner.

4. On the other hand, learned Additional Advocate General appearing for the State vehemently opposed the application, contending that series of attacks, including the present incident, took place on the fateful day, in which nearly 47 police personnel were grievously injured. He further contends that the call detail records collected regarding the mobile phone number of the present petitioner and the location details indicated therein reveal that the petitioner herein was very much present near Bhimaganipalli at the relevant point of time. He further contends that the confession statements of co-accused would reveal that the present petitioner has designed the plan as to how to attack the police if they obstruct their leader to enter into Punganur Town. He further contends that possession of beer bottles, stones and sticks by the party workers and followers of the petitioner, who participated in the attack, would clearly indicate that the attack was preplanned. He submits

that granting pre-arrest bail to the petitioner is not desirable and there is every chance of his tampering with the witnesses and hampering the investigation. He, therefore, prays for dismissal of the petition.

5. This Court has considered the submissions made on either side and perused the record.

6. As can be seen from the statement of the defacto complainant, which is the basis for registration of the present crime, it is specifically alleged that the petitioner herein along with accused Nos.2 to 39 and other party workers of Telugu Desam Party questioned the police as to why barricades were erected obstructing entry into Punganur Town and when the police refused to remove the barricades, the petitioner instigated the party workers by shouting that if the police are killed, they can facilitate their leader to go into Punganur Town, and thereupon, the party workers took out beer bottles, stones and sticks, which were in their possession, and attacked the police personnel with them. Thus, specific allegations and overt acts have been attributed to the petitioner in the statement of the defacto complainant. That apart, the confession statements of co-accused also attribute a specific role to the petitioner in the alleged attack. In that view of the matter, this Court is not inclined to grant pre-arrest bail to the petitioner, at this stage.

7. Accordingly, this petition is dismissed.

K. SURESH REDDY, J

Dt: 28.08.2023
IBL

HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION No.5967 of 2023

Dt: 28.08.2023

IBL