

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION No.5970 of 2023

ORAL ORDER:

Accused No.1 in Crime No.272 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 109, 147, 148, 353, 332, 324, 307, 120-B, 427 & 436 read with Section 149 I.P.C. and Sections 3 & 4 of Prevention of Damage to Public Property Act, on the basis of the statement of one K. Ganesh, AR Police Constable 2808, working as Driver in DAR MT Section, Chittoor. The contents of the said statement, in brief, are thus: On 04.08.2023, the defacto complainant, along with 25 AR personnel, went on a police vehicle, viz., Eicher Bus bearing registration No.AP 18 P 0961, and reported before Punganur Police Station in connection with bandobasth duty on account of visit of Sri Nara Chandra Babu Naidu. As per the instructions of their superior officers, they proceeded to attend bandobasth duty near Bhimaganipalli Cross on the route leading to Punganur Town. He parked the said vehicle behind the barricades erected at the above place. At that time, an argument took place in between police officials and the party workers of Telugu Desam Party regarding permission for the entry of their leader into Punganur Town and during that time, accused No.1 (the petitioner herein) shouted by saying that

if the police are killed, their leader will be allowed to go into Punganur Town and instigated the party workers of Telugu Desam Party with his words, and thereupon, they removed the barricades, took out beer bottles, stones and sticks, which were already in their possession as per the conspiracy entered into between them, and made an attack on him and the police vehicle. Accused Nos.1 to 18 and other party workers of Telugu Desam Party came to the police vehicle, broke the front glass of the vehicle by attacking with beer bottles, stones and sticks, and pulled the defacto complainant out and attacked him with sticks and stones, due to which he sustained bleeding injuries. Other police officials and staff also sustained injuries in the said incident. The said mob of persons also set the police vehicle Eicher bus, worth about Rs.11,06,124/-, on fire.

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 scene when the alleged incident said to have taken place. 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 and two police vehicles were damaged. 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 while the party workers of Telugu Desam Party were arguing with the police with regard to permission of the entry of their leader into Punganur Town, the petitioner instigated the party workers by shouting and saying that if the police are killed, they can facilitate their leader to go into Punganur Town. It

is further specifically alleged that the petitioner and other accused damaged the police vehicle, pulled the defacto complainant out of the vehicle, attacked him with stones and sticks, due to which the defacto complainant sustained bleeding injuries. Since there is specific allegation as to the presence of the petitioner at the incident, which is the subject matter of the present crime, and since specific overt acts have been attributed to the petitioner in the statement of the defacto complainant, 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
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