

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION Nos.5995 and 6040 of 2023

COMMON ORDER (ORAL):

Since both these applications, under Sections 437 & 439 Cr.P.C, seeking enlargement of the petitioners on bail, arise out of same crime in which the petitioners herein are arrayed as accused, they are heard together and are being disposed of by this common order.

2. CrI.P.No.5995 of 2023 is filed by accused No.3 and CrI.P.No.6040 of 2023 is filed by accused No.4 in Crime No.19 of 2023 on the file of Moothugudem Police Station, Alluri Sitharama Raju District, registered for the offences punishable under Sections 384 read with 34 I.P.C. and Sections 27(A) and 29(1) of Narcotic Drugs and Psychotropic Substances Act. The above crime has been registered on the basis of the special report given by the Additional Superintendent of Police, SEB, SPSR Nellore District.

3. The case of the prosecution, in brief, is thus: On 21.04.2023, the Station House Officer, SEB, Kavali, arrested one S. Raghavan along with his wife, who were found in possession of 21 kgs. of Ganja. During the course of investigation, they confessed about the role of one Uppuluri Balamurali Krishna (A1) in the supply and transportation of Ganja. The said A1 was also arrested and when interrogated, he confessed that he was procuring Ganja from one

Durga, resident of Palagadda near Donkarai, and that on 14.04.2023 about 10.30 p.m., while he was going to procure Ganja from the said Durga, in his friend's Swift Dzire car, around 12.30 a.m. in the midnight, accused No.3, who is Sub-Inspector of Police, along with accused No.4, who is a Police Constable, along with other staff, stopped their car and asked them to speak to Durga over phone and on ascertaining that Durga was ready to deliver contraband at Sindhuwada, A3, A4 and other staff proceeded to Sindhuwada and found three persons with contraband and on seeing them, two of them fled away, while one was caught hold by the police constables. On the instructions of A3, the said person, who was caught hold, was also let off, and the contraband of 50 kgs. of Ganja was kept in the car. Later, A3, A4 and other police constables told A1 that they would be let off and their car would be released, if Rs.2.00 lakhs is paid as bribe. A1 pleaded that he did not have that much amount and transferred Rs.8,000/- through phonepe to the ID provided by the police and also gave cash of Rs.4,000/- to the police. Later, A3 warned them to handover the remaining amount on the same night. Thereupon, A1 pledged gold with Manappuram finance for Rs.1.00 lakh and further secured an amount of Rs.80,000/- from his mother-in-law and went to Mopthugudem PS and paid Rs.1.00 lakh in cash and Rs.80,000/- through phonepe to the ID furnished by the aforesaid police officials. Thereupon, his car was handed over to him and he was let off without registering any crime. On searching in the car, they could not find the contraband. Based on their confession, relevant call data records

and phonepe transaction details were secured and it was revealed that A3 frequently contacted one Rudramani, who, in turn, is having money transactions with one Vinayaka Gundla (phonepe ID holder). Thereupon, the present crime has been registered.

4. Learned counsel for the petitioners contend that the petitioners are falsely implicated in the present crime without there being any material to connect them with the alleged offences. Learned counsel for the petitioner in CrI.P.No.5995 of 2023 (A3) would submit that A3 is an honest police officer, who received number of appreciations for his meritorious service from his superior police officers in the recent years, that he got one Anthrik Suraksha Seva Medal, 10 GSEs, 6 commendation awards and as a Civil SI, he received 13 GSEs and 5 appreciations, besides Best Sub-Inspector Award for the year 2022 from Alluri Seetharamaraju District, which shows his uprightness. Learned counsel further submitted that in the last two years, A3 arrested more than 250 Ganja peddlers and registered about 58 cases of illegal transportation of Ganja, by seizing 25,000 kgs. of Ganja and number of vehicles involved in the offences. Learned counsel contends that it is only with a view to tarnish his image, he has been implicated in the present crime. Learned counsel for the petitioners would submit that A3 has been in jail since 21.05.2023 and A4 has been in jail since 25.04.2023, and considering all the circumstances, they may be enlarged on bail.

5. On the other hand, learned Assistant Public Prosecutor would oppose these applications, contending that the call data records and phonepe transaction details collected during the course investigation clearly point out the guilt of the petitioners in the present crime. He further contends that in view of the serious allegations levelled against the petitioners, who are police officials, they are not entitled for any indulgence in grant of bail.

6. This Court has considered the submissions made on either side and perused the entire material on record. As can be seen from the record, A3 himself surrendered before the Additional Superintendent of Police on 21.05.2023, on coming to know about the allegations levelled against him, while A4 was arrested on 25.04.2023. Be that as it may, since most of the material evidence, including the call data records and phonepe transaction details, has already been collected and the petitioners, being public servants, are not likely to jump bail, this Court is inclined to enlarge them on bail with certain conditions.

7. Accordingly, both the criminal petitions are allowed, with the following directions:

(i) The petitioners are directed to be released on bail on their executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Rampachodavaram.

(ii) On such release, the petitioners shall appear before the Station House Officer, Moothugudem Police Station, on every alternate day between 10.00 a.m. and 1.00 p.m., until further orders.

(iii) Further, the petitioners are directed to cooperate with the investigation and not to tamper with the prosecution witnesses.

K. SURESH REDDY, J

Dt: 14.09.2023
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