

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

**CRIMINAL PETITION Nos.5344, 5345, 5347, 5348, 5349,
5350 & 5351 OF 2022**

COMMON ORDER:

Since several accused covered by the crime filed separate bail petitions seeking their regular bails in connection with the offences covered by crime in issue, this Court disposes all the bail applications under this Common Order.

These Criminal Petitions are filed under Sections 437 & 439 of Criminal Procedure Code ('Cr.P.C.' in short), seeking regular bail, by the petitioners/Accused in the following crimes:

Crime No.140 of 2022 dated 24.05.2022 of Amalapuram Town Police Station, Amalapuram, East Godavari District, registered for the offences punishable under Sections 341, 143, 144, 147, 148, 151, 336, 435, 188 r/w. 149 of IPC, Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 and Section 32 of Police Act, 1861.

Crime No.141 of 2022 dated 24.05.2022 of Amalapuram Town Police Station, Amalapuram, East Godavari District, registered for the offences punishable under Sections 307, 143, 144, 147, 148, 452, 436, 435, 188 r/w. 149 of IPC and Section 32 of Police Act, 1861.

Crime No.138 of 2022 dated 24.05.2022 of Amalapuram Town Police Station, Amalapuram, East Godavari District, registered for the offences punishable under Sections 307, 143, 144, 147, 148, 151, 152, 332, 336, 427, 188, 353 r/w. 149 of

IPC, Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 and Section 32 of Police Act, 1861.

Crime No.139 of 2022 dated 24.05.2022 of Amalapuram Town Police Station, Amalapuram, East Godavari District, registered for the offences punishable under Sections 307, 143, 144, 147, 148, 151, 152, 332, 336, 427, 188, 353, 324, 435 r/w. 149 of IPC, Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 and Section 32 of Police Act, 1861.

Crime No.127 of 2022 dated 24.05.2022 of Amalapuram Taluq Police Station, Amalapuram, East Godavari District, registered for the offences punishable under Sections 143, 144, 147, 148, 151, 452, 436, 307 r/w. 149 of IPC, Section 32 of Police Act, 1861 and Section 3 (2) (v), 3 (2) (va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act Amendment Act, 2015 (01/2016).

Crime No.126 of 2022 dated 24.05.2022 of Amalapuram Taluq Police Station, Amalapuram, East Godavari District, registered for the offences punishable under Sections 143, 144, 147, 148, 151, 152, 155, 452, 436, 353, 332, 427, 188, 307 r/w. 149 of IPC, Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 and Section 3 (2) (v), 3 (2) (va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act Amendment Act 2015 (01/2016).

2. The facts of the case, in brief, are that on 24.05.2022 on a call given by JAC of Konaseema Sadhana Committee, huge number of people gathered for submitting objections pursuant to

issuance of Gazette notification with regard to change of name of Konaseema District, by violating the order under Section 144 of Cr.P.C. and Section 30 of the Police Act. The mob started rally at Kalasam Centre, Amalapuram Town and proceeded to Clock Tower Centre and in the meanwhile various groups of public came from four corners to the clock tower centre and formed into a huge mob.

Thereafter the mob moved to Collectorate and on the way to Collectorate, when Police were discharging their duties, the mob pelted stones on the Police and also burnt BVC college bus which was used as transport vehicle for Police.

Further, when the Police tried to control the mob at Collectorate, the mob pelted stones on Police personnel due to which some of the Police sustained injuries, damaged the glasses of Collectorate Office and Ambedkar Bhavan.

Thereafter, the mob proceeded to Red Bridge (Erra Vanthenna), intercepted two RTC buses, damaged them and set fire to the buses.

The mob further moved towards the house of Hon'ble Minister. When the mob shouted and beat police persons, AR constable fired rounds in air, but agitators attacked complainant and his staff; attacked staff of the Hon'ble Minister, caused damage to the furniture and set fire to the house of the Minister and later proceeded to the house of local MLA. Basing on the complaint lodged by the Home guard Crime No.138 of 2022 was registered, basing on the complaint lodged by the Village

Revenue Officer of the 30th Ward, Amalapuram town crime No. 139 of 2022 was registered, basing on the complaint lodged by Driver, APSRTC, Crime No.140 of 2022 was registered, basing on the complaint lodged by the brother of Mummadivaram MLA Crime No.141 of 2022 was registered, basing on the complaint lodged by the Sub-Inspector of Police Crime No.126 of 2022 was registered and Basing on the complaint lodged by the watchman of the house of the Minister, Crime No.127 of 2022 was registered.

3. Heard Sri K.Chidambaram, learned Senior Counsel representing Sri Yaswanth Gade and Smt. Pasupulati Anitha, learned counsel for the petitioner and Sri Soora Venkata Sainath, learned Special Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners, in elaboration what has been raised in the grounds, contended that initially the petitioners' names were not figured in the complaint. Basing on the confession statements of the other accused, their names were arrayed as accused in the above crimes. It is also contended that some of the accused in the present crimes and other crimes registered in connection with the same incident were granted regular as well as anticipatory bails. It is also contended that the petitioners were arrested on different dates from 28.05.2022 to 19.06.2022 and since then they are

languishing in jail and requested to consider enlarging the petitioners on bail on any conditions that may be imposed.

5. On the other hand, the learned Special Assistant Public Prosecutor submitted that the petitioners have already approached Sessions Court and filed bail applications except the petitioner in CrI.P.No.5351 of 2022 wherein the trial court dismissed their bail applications and the same were placed on record. Further submitted that the involvement of the petitioners is evident from the photographs taken at the scene of offence and investigation is still pending. If at all this Court wants to consider the present bail petitions, in such case, he draw the attention of the Court to the decision of the Hon'ble Supreme Court in **Kodungallu Film Society v. Union of India**¹ wherein it is held as follows:

C. Liability of person causing violence

a)

b)

c) A person arrested for either committing or initiating, promoting, instigating or in any way causing to occur any act of violence which results in loss of life or damage to property may be granted conditional bail upon depositing the quantified loss caused due to such violence or furnishing security for such quantified loss.”

¹ (2018) 10 SCC 713 : 2018 SCC Online SC 1719

Relying on the judgment cited *supra*, the learned Special Assistant Public Prosecutor, prayed this Court to impose some costs for the loss caused to the State.

6. A perusal of the complaint discloses that initially the petitioners' names were not reflected, but as per the confession statements of the other accused, the petitioners' names are reflected in the above crimes.

The contention of the learned counsel for the petitioners that petitioners herein are falsely implicated in these crimes due to political differences whereas according to the prosecution, petitioners are active participants in the rally and they executed illegal acts as per conspiracy of their leaders.

The learned Public Prosecutor specifically urged that petitioners' custody is important in this case, since according to the prosecution, they are active participants in hatching up the plan through whatsapp group and other social media platform, which resulted in occurrence of large-scale violence and other related executing the illegal acts as conspired.

Further, admittedly the mob consists of more than 1000 people. None of the complaints indicate about common intention or common object of committing an offence punishable under Section 307 IPC. Specific overt acts were not attributed against the petitioners.

It is also evident from the record that the mob gathered for submitting their representations at Collectorate office, but not with an intention of committing any offence and admittedly

the mob was not armed with weapons. Photographs filed by prosecution do not show that mob is armed with weapons.

Till today, there is no material to show that the petitioners have damaged any property. In view of the same, the decision relied on by the learned Special Assistant Public Prosecutor cannot be made applicable at this stage and his request to impose costs cannot be considered.

On perusal of the material on record, considering the submissions of the both the parties and in view of the fact that the other accused were already granted regular/anticipatory bail by this Court whereas the petitioners are languishing in jail, this Court feels it appropriate to consider granting bail to the petitioners on the following conditions:

- (i) The petitioners shall be released on bail on their executing self 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 Additional Judicial Magistrate of First Class, Amalapuram for each crime;
- (ii) The petitioners shall appear before the Station House Officer, Amalapuram Town Police Station twice in a week i.e. on every Monday and Thursday between 9.00 a.m. and 12.00 noon, till filing of the charge sheet;
- (iii) The petitioners shall not directly or indirectly contact the complainant or any other witnesses under any circumstances and any such attempt shall be construed as an attempt of influencing the witnesses and shall not tamper the evidence and shall co-operate with the investigation.

(iv) The petitioners shall furnish their mobile phone numbers and residential address as well as that of their sureties to the I.O./SHO concerned and they shall keep their mobile phones operational at all times during this period and in the event of any change of the same, they shall immediately inform the same to the I.O./S.H.O. and,

(v) The petitioners shall drop a pin location on Google Maps so that the location of the petitioners is available to the Investigation Officer.

Further, the petitioners shall scrupulously comply with the above conditions and breach of any of the above conditions will be viewed seriously and bail automatically gets cancelled without any further order of this Court.

Accordingly, the Criminal Petitions are **allowed**.

Miscellaneous applications, pending if any, shall stand closed.

27th July, 2022

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JUSTICE RAVI CHEEMALAPATI

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

**CRIMINAL PETITION NOs.5344, 5345, 5347, 5348, 5349,
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Date : 27.07.2022

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