

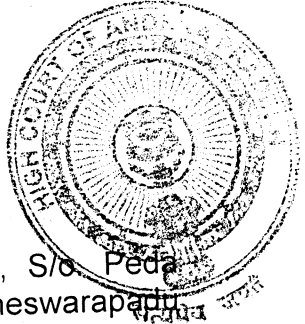
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE TWENTY FIFTH DAY OF FEBRUARY,  
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO: 1008 OF 2021



Between:

1. Tanguturi China Venkateswarlu @ Yarraiah Shown as Yerraiah, S/o. Peda Mallaiah, aged about 65 years. Caste- Yadava, R/o. Jamgamaheswarapadu Village, Durgi Mandal, Guntur District. (A-11)
2. Gumma Peda Rajaiah, S/o. Peda Basavaiah, aged about 57 years, Caste- Yadava, R/o. Jamgamaheswarapadu Village Durgi Mandal, Guntur District. (A-19)
3. Gumma Sagar Babu @ Sagetu, S/o. Peda Rajaiah, aged about 23 years, Caste- Yadava, R/o. Jamgamaheswarapadu Village Durgi Mandal, Guntur District. (A-20)
4. Gumma Rajaiah @ Bokaiah, S/o. Peda Venkateswarlu, aged about 45 years, Caste- Yadava, R/o. Jamgamaheswarapadu Village, Durgi Mandal, Guntur District. (A-21)
5. Gumma China Rajaiah @ Dunnaiah, S/o. Peda Basavaiah, aged about 55 years. Caste- Yadava, R/o. Jamgamaheswarapadu Village, Durgi Mandal, Guntur District. (A-23)
6. Gumma Venkateswarlu, S/o. China Rajaiah, aged about 24 years, Caste- Yadava, R/o. Jamgamaheswarapadu Village. Durgi Mandal, Guntur District. (A-24)
7. Gumma Suresh, S/o. Srinu. aged about 20 years, Caste- Yadava. R/o. Jamgamaheswarapadu Durgi Mandal, Guntur District. (A-28)

**Petitioners/Accused**

**AND**

The State of Andhra Pradesh, (SHO, Durgi Police Station) Rep. by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati.

**Respondent/Complainant**

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the memo of grounds filed herein, the High Court may be pleased to enlarge the petitioners/Accused Nos. A11, A19, A20, A21, A23, A24 and A28 on bail in connection with Crime No.01/2021 of Durgi Police Station, Guntur District.

The petition coming on for hearing, upon perusing the Petition and memo of grounds filed herein and upon hearing the arguments of Sri Posani Venkateswarlu, Advocate for the Petitioners, and of Public Prosecutor for Respondent, the Court made the following

**ORDER**

**HONOURABLE SMT. JUSTICE LALITHA KANNEGANTI**

**Criminal Petition No.1008 of 2021**

**ORDER:**

This Criminal Petition is filed under Section 437 and 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") seeking regular bail to the petitioners/A.11, A.19, A.20, A.21, A.23, A.24 and A.28 in connection with Crime No.1 of 2021 of Durgi Police Station, Guntur District, registered for the offences punishable under Sections 307, 147, 148 read with 149 of the Indian Penal Code, 1860 (for short "IPC").

2. A complaint is lodged on 01.01.2021, stating that in the month of December, 2014, there were clashes occurred in between the group of LW.1 and the group of A.1. During the incident, the group of A.1 killed the brother-in-law of LW.1 namely Gudipati Venkata Ramaiah, which was the subject matter of Crime No.201 of 2014 registered for the offences under Section 147, 148, 322 506 read with 149 IPC of Durgi Police Station. Since then, they are continuing enmity ensued in between them. While so, on the intervening night of 31/01.01.2021 at 00.30 hours, A.1 to A.30 formed into unlawful assembly with the common object, having deadly weapons like axes and stout sticks with a view to execute their plan to clear their hurdle by keeping in mind their previous enmity, approached LWs.2 to 4, while they were celebrating New Year festival along with children by firing crackers, attacked them with deadly weapons. On coming to know the same, LW.1 rushed to Boddurai centre where the incident took place,

intervened to pacify the matter, but A.1 uttered the words **"Neevu Endira Madhylo Vachi Matledi Neevu Maku Cheepedi Endi, Ee Naa kodukuni Narakandira"**. A.2 and A.3 inflicted injuries on the *de facto* complainant and A.4 caused injuries to LW.5 with axe on his left foot palm, left side of the head and right elbow. A.15 thrashed with sticks on LW.16 on her right side ear and left side thigh and inflicted injuries. The other accused assaulted them with hands and kicked with legs. All the injured persons were shifted to Government Hospital for treatment. Basing on the said complaint, the present crime is registered. The petitioners/A.11, A.19, A.20, A.21, A.22, A.23, A.24, and A.28 were arrested on 12.01.2021 and remanded to judicial custody.

3. Heard Sri Posani Venkateswarlu, learned counsel for the petitioners and the learned Public Prosecutor for the respondent-State.
4. Learned counsel for the petitioners submits that the petitioners have not committed any offence, much less the alleged offences. He submits that even if the allegations in the complaint are taken on its face value, they do not attract the offences as alleged. He further submits that even as per the complaint, there are specific overt acts only against A.1, A.2, A.4 and A.16 and no specific overt acts are attributed to the other accused. It is submitted submits that in view of panchayat elections and due to political rivalry, the present case is foisted against the petitioners and they were sent to jail. He further

submits that the father of the *de facto* complainant was unanimously declared as Sarpanch of the village, more so, the *de facto* complainant is a rowdy sheeter, which clearly shows that the petitioners have been falsely implicated in the case. Initially the case was registered against only 28 persons and later six persons were added in the case and all these persons are implicated in the case due to political reasons. He submits that the injuries sustained by the complainant and others are simple in nature and that the petitioners are languishing in jail for the last two months and hence, their case may be considered for grant of bail.

5. On the other hand, learned Public Prosecutor submits that there is a law and order problem in the village, in view of the disputes between the rival groups. He submits that the investigation is in progress and 14 witnesses were examined. He submits that there are specific overt acts against A.1, A.2, A.4 and A.16 and the police are awaiting for wound certificate and unless such wound certificate is received, it cannot be said that the injuries sustained by the *de facto* complainant and others are simple in nature. He further submits that if the petitioners are enlarged on bail, there may be a law and order issues in the village, as such, at this stage, the petitioners may not be enlarged on bail.

6. Having regard to the facts and circumstances of the case and taking into consideration the submissions of the learned counsel and the learned Public Prosecutor and on perusal of the

record, it appears that there are no specific overt acts against the petitioners/A.11, A.19, A.20, A.21, A.23, A.24 and A.28, in view of the fact that the petitioners are languishing in jail since 12.01.2021, this court deems it appropriate to grant bail to the petitioners.

7. Accordingly, the Criminal Petition is allowed. The petitioners/A.11, A.19, A.20, A.21, A.23, A.24 and A.28 shall be enlarged on bail on their executing personal bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the Junior Civil Judge/Judicial Magistrate of First Class, Macherla, Guntur District.

Sd/-T.Madhavi  
ASSISTANT REGISTRAR

//TRUE COPY//

For SECTION OFFICER

To,

1. The Junior Civil Judge/Judicial Magistrate of First Class, Macherla, Guntur District
2. The Superintendent, Sub-Jail, Gurazala, Guntur
3. The Station House Officer, Durgi Police Station, Guntur District
4. Two CCs to Public Prosecutor, High Court of Andhra Pradesh at Amaravati. (OUT)
5. One CC to Sri. Posani Venkateswarlu, Advocate [OPUC]
6. One spare copy

Skm

**HIGH COURT**

**LK,J**

**DATED:25/02/2021**

**ORDER**

**CRLP.No.1008 of 2021**

**DIRECTION**

