

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE SECOND DAY OF MARCH, TWO THOUSAND AND TWENTY ONE
: PRESENT :

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CRL.P.No. 1161 of 2021

Between:-

K. Vishnuvardhan Reddy, S/o. K. Raja Reddy.

.....Petitioner/Accused No.7.

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor,
Through Nallacheruvu Police Station, Ananthapuramu District.

.....Respondent/Complainant.

Petition filed under Section 438 of Cr.P.C. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the petitioner/Accused No.7 on bail in the event of his arrest in Crime No. 35 of 2021 dt. 03-02-2021 on the file of Nallacheruvu Police Station, Ananthapuramu District.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Ravula Nagarjuna, Advocate for the Petitioner and of the Addl. Public Prosecutor on behalf of respondent/State, the Court made the following

ORDER :-

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO. 1161 OF 2021

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/A-7 in the event of his arrest in connection with Crime No. 35 of 2021 of Nallacheruvu Police Station, Ananthapuram District registered for the offences punishable under Sections 188 of Indian Penal Code, Section 34(a)r/w 34(1) of Andhra Pradesh Excise Act, 1989 and Section 8(b)(2) of Andhra Pradesh Prohibition Act, 1995.

2. The case of the prosecution is that on 03.02.2021 on reliable information the police conducted search in the presence of mediators and found the accused 1 to 6 while they were proceeding on motorcycles by carrying four card board boxes. On search, the police found 383 small tetra packets from Karnataka State. The accused confessed that they are transporting tetra packets to the village as directed by the petitioner to distribute the same in the village during election period as the petitioner was contesting in Gram Panchayat elections. Basing on the said confession, the petitioner is arrayed as accused.

3. Heard Sri Ravula Nagarjuna, learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that due to political reasons he is implicated in this case. The police has no jurisdiction to register a complaint against the petitioner. He relied on the bar under Section 195 of Cr.P.C and also relied on the order dated 15.09.2020 in CrI.P.No.3731 of 2020 passed by this Court, wherein in the similar set of facts, it is observed that:

"The facts of the case show that it is only A-1 to A-4, who were apprehended by the police while they were selling the toddy containing adulterated chloral hydrate. The petitioner herein, who is A-9 was not found to be doing any such business and he was not found to be in possession of such toddy. It is only on the basis of alleged statement said to have been given by the arrested accused, the petitioner is implicated as an accused in this case. Therefore, as the petitioner was not found to be in possession of any such adulterated contraband, this Court is of the considered view that in the facts and circumstances of the case, the petitioner is entitled to pre arrest bail".

5. Learned Additional Public Prosecutor on the other hand submits that there are specific overt acts against the petitioner. He says that based on the instructions of the petitioner, the other accused were transporting 383 tetra packets to distribute the same during election period, as such he is not entitled for pre arrest bail.

6. Taking into consideration the observation made in the order dated 15.09.2020 in CrI.P.No.3731 of 2020 and in view of the bar under Section 195 of Cr.P.C, this Court deems it appropriate to grant pre arrest bail to the petitioner, but on certain conditions.

7. Accordingly, the Criminal Petition is allowed. The petitioner/A-7 shall be released on bail in the event of his arrest in connection with Crime No.35 of 2021 of Nallacheruvu Police Station, Ananthapuram District on condition of executing self bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a likesum each to the satisfaction of the Station House Officer, Nallacheruvu Police Station. On such release, the petitioner shall appear before the Station House Officer, once in a week i.e. on every Saturday between 10.00 AM to 12.00 PM till filing of charge sheet and he shall not make any attempt to tamper with the prosecution evidence and shall cooperate with the prosecution.

Consequently, miscellaneous applications pending, if any, shall stand closed.

Sd/-M.Suryanadha Reddy
ASSISTANT REGISTRAR
[Signature]
SECTION OFFICER

//TRUE COPY//

for

- To
- 1.The Station House Officer, Nallacheruvu Police Station, Ananthapuram District.
 - 2.Two CCs to the Public Prosecutor, High Court of A.P., at Amaravati(OUT)
 - 3.One CC to Sri Ravula Nagarjuna, Advocate(OPUC)
 - 4.One spare copy.

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HIGH COURT

LK.J

DT.02-03-2021.

ANTICIPATORY
BAIL ORDER

CRL.P.No. 1161 of 2021

RELEASE THE PETITIONER
ON BAIL IN THE EVENT OF
HIS ARREST

