

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE TWENTY NINTH DAY OF SEPTEMBER, TWO THOUSAND AND TWENTY
: PRESENT :

THE HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRLP.No. 4166 of 2020

Between:-

Idadasu Ramasuri, S/o. Appayya. (A-4).



.....Petitioner/Accused. (A-4)

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor,
High Court of Andhra Pradesh, at Amaravati.

.....Respondent/Complainant.

Petition filed under Sections 437 and 439 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 release the petitioner/A-4 on bail pending investigation, enquiry and trial in Crime No.182/2020 of Pusapatirega Police Station, Vizianagaram, in the interest of justicie.

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

ORDER :-

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.4166 OF 2020

ORDER:

This petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973, to enlarge the petitioner on regular bail.

2. The petitioner is arrayed as Accused No.4 in Crime No.182/2020 on the file of Pusapatirega Police Station, Vizianagaram, Vizianagaram District.

3. In fact, the petitioner filed earlier petition in CrI.M.P.No.3851/2020 before this Court seeking regular bail, in which his name was wrongly typed as '**Idadasu Kamasuri**' instead of '**Idadasu Ramasuri**'. Therefore, due to typographical mistake crept in the earlier petition present petition is filed to enlarge the petitioner on bail.

4. The petitioner allegedly committed the offences punishable under Sections 341, 354, 447, 427, 506, 323 read with 34 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC & ST (POA) Act, 2015 and he is in judicial custody since 21.08.2020.

5. The case of prosecution in brief is that, the first informant is resident of Kamavaram village, Pusapatirega mandal, Vizianagaram district, eking out her livelihood as housekeeper in SMS company, she has been residing in house bearing door No.1-115 having electricity Service No.12130-B387000066 on the site bearing Sy.No.23 of Kamavaram village revenue since 60 years from her ancestors, which is located near village goddess Kothammathalli Ammavaari Chaduru along with her community people i.e., Samadhula Laxmanarao and Samadhula Raju's family. In this regard, since 3 years her villagers i.e.,

B.C community people and S.C community people harassed and threatened her and other families residing at that place to vacate the site as it belongs to government, for which they refused for the same. While so, on 16.08.2020 while L.W.1 was on duty at about 8.00 a.m., she came to know through L.W.2 that some of the Yadava community persons and S.C community persons came to her house along with crowbars and spades and dismantling her house and shop. On that, L.W.1 went there and found the said persons who were armed with crowbars and spades. She further noticed that her daughter Kaki Santhoshi (L.W.3) requesting them not to dismantle their house and shop and L.W.1 also requested them not to demolish her house and shop, but they did not heed their request, they insulted L.Ws 1 and 3 by touching their chests, caught hold the tuft of L.W.1 and abused them in filthy language by raising their caste name. The same incident was video-graphed by L.W.2 through his Android cell phone. Other persons interfered and requested the accused not to harass them, even though the accused beat L.Ws 1 and 2 with their hands indiscriminately and threatened them to do away them by showing armed weapons if they do not vacate their place.

6. The main contention of petitioner/A.4 is that he is innocent of the alleged offences, they did not commit any offence, basically the dispute between the parties is of civil in nature, a false case is foisted against the petitioner/A.4 only to harass him, there are no specific overt acts against him and they are omnibus allegations. The petitioner/A.4 contended that already 7 witnesses were examined, the petitioner/A.4 voluntarily surrendered before the police, all the offences alleged are punishable are less than 7 years, the provisions of SC & ST Act are not made out, major part of investigation is completed and they are in

judicial custody since 21.08.2020. Therefore, the petitioner/A.4 is requested to enlarge him on bail, by striking balance between personal liberty and societal interest.

7. Sri T.Anirudh Reddy, learned counsel for the petitioner/A.4 reiterated the contentions urged in the petition. Whereas learned Public Prosecutor appearing for the State contended that a part of investigation is completed, there is some material to connect the accused with the offences alleged and he requested to dismiss the petition.

8. In any view of the matter, part of investigation is completed and thereby the question of interference by the petitioner/A.4 with the investigation does not arise, if he is enlarged on bail. Considering the facts and circumstances of the case, gravity of offence, seriousness of crime and incarceration of the accused since 21.08.2020, I find that it is a fit case to enlarge the petitioner/A.4 on bail.

9. In the result, the petition is allowed enlarging the petitioner/A.4 on bail on his execution of a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the learned Special Judicial Magistrate of First Class (Excise), Vizianagaram, Vizianagarm District.

As a sequel thereto, miscellaneous applications, pending, if any, shall stand closed.

//TRUE COPY//

Sd/- M. SURYANADHA REDDY
ASSISTANT REGISTRAR


for ASSISTANT REGISTRAR

- To
- 1.The Special Judicial Magistrate of First Class (Excise), Vizianagaram, Vizianagaram District.
 - 2.The IV Additional Sessions Judge-cum-Special Judge for SC/ST Cases, Vizianagaram, Vizianagaram District.
 - 3.The Station House Officer, Pusapatirega Police Station, Vizianagaram, Vizianagaram District.
 - 4.The Superintendent, Sub-Jail, Vizianagaram.
 - 5.Two CCs to the Public Prosecutor, High Court of A.P., at Amaravati(OUT)
 - 6.One CC to Sri T. Anirudh Reddy, Advocate(OPUC)
 7. One spare copy.

HIGH COURT

MSM.J

DT.29-09-2020.

BAIL ORDER

CRL.P.No. 4166 of 2020

RELEASE THE PETITIONER/A4
ON BAIL

