

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1908 of 2015

ORDER :

The petitioners, who are accused Nos.299, 300, 301, 302, 303, 320, 326 and 331 in Crime No.179 of 2013 of Renigunta Urban Police Station, Chittoor District filed the present application under Sections 437 and 439 CrPC seeking enlargement on bail in the above crime, registered for the offences punishable under Sections 147, 148, 341, 302, 307, 332, 333, 120-B, 396, 397 read with 149 IPC and Sections 20(1)(c)(ii) (iii) (iv) (v) (vi) (x) of the Andhra Pradesh Forest Act, 1967.

The averments in the charge-sheet filed against the petitioners and 421 others would show that all the accused conspired together to cut and carry red sanders wood from Mamandur Reserve Forest of Renigunta Mandal. On the intervening night of 14/15.12.2013 all the accused in pursuance of their conspiracy assembled at Masalarevu Bandalu, trespassed into reserved forest area with a plan to commit smuggling of red sanders at any cost and also decided to do away with the lives of forest officials who came their way. On receipt of credible information regarding illegal transportation of red sander logs from Pedda Chenu Bandalu, Mamandur Reserve Forest, Renigunta Mandal. On 15.12.2013 at about 3.00 a.m., deceased No.1 secured his staff i.e., L.Ws.4, 12 to 17 and proceeded towards the said place in a Government sumo vehicle bearing Registration No. AP 03 AB 5192. On reaching the said place, he noticed about 20 persons carrying red sander logs. Deceased No.1 is alleged to have chased and caught hold of two persons i.e., A-1 and A-33, detained them in the Sumo vehicle and kept them under the custody of L.Ws.4, 12 to 17. During the enquiry, the two arrested persons are alleged to have disclosed about the details of other accused i.e., A-2, A-74, A-104, A-257, A-289, A-351, A-370, A-397 to A-401. While the Forest officials were collecting the red sander logs which were thrown away by the offenders, the red sander wood cutters/Mastris including the above mentioned accused formed themselves into unlawful assembly and attacked the Deceased No.1, L.Ws.4, 12 to 17 with an intention to do away their lives. On seeing them, the deceased No.1 and L.Ws.4, 12 to 17 hide themselves in the bushes of the forest area to protect their lives. They noticed accused damaging the sumo van and also getting released A-1 and A-33 from the custody of the police.

L.W.13 informed the same over phone to L.W.1, who on receipt of the said information collected his staff Deceased No.2, L.Ws.2, 6, 7, 18 to 20 and proceeded towards the above place in a Commander Jeep bearing No.AP-03-AP-1204 and joined deceased No.1 and others at about 9.15 a.m. While they were searching for forest officials, L.Ws.4 and 17, A-1 to A-104, A-134 to A-185, A-191 to A-224, A-237, A-240 to A-393, A-397 to A-401, A-424, A-430 including the juveniles in conflict with law 1 and 2 and some other accused/Mastris numbering more than 300 formed themselves into an unlawful assembly, armed with stones, axes and sticks and in furtherance of their common object to do away with their lives attacked the forest officials. Anticipating danger to their lives, all the forest officials ran helter and shelter from the spot leaving the vehicles. It is said that the accused are alleged to have chased and attacked the deceased 1 and 2 in different places in the same area with axes, stones and sticks causing bleeding injuries leading to their death at the spot. Thereafter they are alleged to have escaped by committing theft of two gold rings, two cell phones from deceased No.1, one cell phone belonging to deceased No.2, gold chain, gold ring, cash of Rs.5,000/- and one cell phone belonging to injured L.W.7. They are also alleged to have damaged the vehicle. The injured were shifted to the Aswani Hospital, Tirumala for treatment and from there to SVRR Government General Hospital, Tirupati. On receipt of the said information, L.W.21 along with L.Ws.3, 22 and Task Force Police Constables L.Ws.23 to 27 rushed to the above spot. Basing on these allegations, the above crime came to be registered. After completion of investigation a charge-sheet came to be filed against all the accused which was numbered as P.R.C.No.7 of 2014, which was committed to the Court of III Additional Sessions Judge, Tirupati and numbered as S.C.No.227 of 2014.

The learned counsel for the petitioners mainly submits that the present petition came to be filed in view of the order passed by this Court wherein this Court while rejecting the earlier bail application directed the petitioners to renew their application, in case the trial is not completed by 04.03.2015.

Though this Court directed the petitioners to renew their request if the trial is not complete by 04.03.2015 in spite of co-operation by all the accused, but the learned Public Prosecutor submits that so far 40 witnesses are examined and another 15 witnesses are yet to be examined. It is to be noted that 25 counsels are appearing for different accused and due to repetition of questions during cross examination is causing delay. It is also true that after the completion of oral evidence, there will be

examination of the accused under Section 313 Cr.P.C. and the accused may examine some defence witnesses, but the said process may not take long time. Since the trial is going on day today basis definitely it will be completed within a short time. Further, the learned Public Prosecutor expressed an apprehension about the petitioners evading the process of law if released on bail. Having regard to the circumstances stated above, I am not inclined to consider the request of the petitioners for the present.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

31.03.2015

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