

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 457 of 2015

ORDER :

The petitioner, who is accused No.278 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 petitioner and other accused 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.

The learned counsel for the petitioner mainly submits that since the petitioner stand on the same footing as that of some of the accused, who were already granted bail, his request may be considered.

The learned Additional Public Prosecutor opposed the application contending that the allegations made are grave as two forest officials were killed and one police official was seriously injured. Having regard to the nature of the offence committed and since the accused are from different states, he submits that the petitioner does not deserve for grant of bail.

Though the first information report is registered against

300 unknown persons belonging to Tamilnadu, Karnataka and Chittoor District, but the investigation made by the police culminated into filing of the charge sheet against 400 persons. As stated earlier, on receipt of credible information about illegal felling and transportation of red sandal trees, D.1 along with L.Ws.4 and 12 to 17 proceeded to the place of offence. D.1 was able to apprehend two of the twenty persons, who were making arrangement for transporting red sanders, and detain them in a jeep. Subsequently, 12 more accused formed themselves into an unlawful assembly and attacked D.1 and L.Ws.4 & 12 to 17 with an intention to do away them. On seeing them, D.1 and L.Ws.4 & 12 to 17 with an intention to protect their lives, hide themselves in the bushes of the forest. At that point of time, some of the accused damaged the Sumo and got the accused 1 and 33 released from the lawful custody. On receipt of information L.W.1 along with D.2 and L.Ws.2,6, 7 & 18 to 20 proceeded to the scene of offence and joined D.1 and L.Ws.12 to 16 who were already present there. At about 9.15 a.m., all the accused are alleged to have formed themselves into unlawful assembly armed with sticks and axes and are alleged to have attacked forest officials and killed D.1, D.2 apart from causing injuries to L.W.7. The averments in the charge sheet do not attribute any specific role to the petitioner with regard to attack on D.1, D.2 and L.W.7.

It is true that the petitioner herein, who is a resident of Karnataka State, stand on the same footing as that of some of the accused who were already granted bail by this Court. But, the learned Additional Public Prosecutor, on instructions,

submits that if the petitioner is released on bail, it will be difficult to trace him having regard to the nature of the offence with which he is involved. At this point of time, the learned counsel for the petitioner submits that the same cannot be a ground to reject the request of the petitioner. In support of the same, he relied upon a judgment of the Apex Court in ***Sanjay @ Bablu @ Keja***^[1] wherein it is held that the objection raised by the State that the accused is a resident of Allahabad and he is likely to abscond from Gujarat, cannot be a ground to reject bail.

Similarly, in ***Keshab Narayan Banerjee Vs. State of Bihar***^[2] the Apex Court directed the accused to furnish security for Rs.1.00 lakh in cash or in fixed deposit of any nationalised bank in Bihar with two sureties, who are residing in Bihar, which virtually amounts to denying bail. There is no dispute with regard to the propositions of law laid down by the Apex Court. But, the case on hand is different from the cases referred to above.

As stated earlier, it is a case where 400 accused are being tried for various offences including offences punishable under Section 302 IPC and Section 20 of the A.P. Forest Act, which are grievous and serious in nature. Two police officers were killed when they tried to prevent the accused from cutting red sandal trees and taking them away from Seshachalam forest at Tirupati. As seen from the record, the State property namely a police jeep was damaged. As seen from the record, the entire forest area being destroyed by a gang of smugglers operating from three States.

The learned Additional Public Prosecutor submits that trial in the case has commenced and the prosecution wants to examine 40 witnesses from 09.02.2015 to 04.03.2015. He submits that if the accused cooperate with the case, the entire schedule will be completed by 04.03.2015. According to him, if the petitioner is released on bail, there is every likelihood of schedule being collapsed, since the petitioner, who is coming from a neighbouring State and has no properties in the State of Andhra Pradesh or in Chittoor, may evade the process of law. He further submits that as on today, the accused, who are in jail, and the other native accused, who are released on bail, are attending the Court regularly.

However, having regard to the nature of the allegations made; the place of residence of the petitioner, and as the trial has commenced on 09.02.2015 itself which is going to be completed by 04.03.2015, the request of the petitioner cannot be accepted.

Accordingly, the Criminal Petition is dismissed leaving it open to the petitioner to renew his request, in case the trial is not completed by 04.03.2015 inspite of cooperation by all the accused.

JUSTICE C. PRAVEEN KUMAR

13th February, 2015
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THE HONOURABLE SRI JUSTICE C. PRAVEEN KUMAR

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[\[1\]](#) AIR (SCW) 2001

[\[2\]](#) AIR (SC) 1985-0-1666