

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.60 of 2015

ORDER:

The petitioners, who are accused Nos.75, 77, 84, 93, 98, 102, 247, 248, 249, 254, 255, 257, 260, 262, 263, 265, 267 and 269 in Crime No.179 of 2013 of Renigunta Urban Police Station, Chittoor District, filed the present application under Sections 437 and 439 Cr.P.C. 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. In pursuance of the said conspiracy, on the intervening night of 14/15-12-2013 all the accused trespassed into the Reserve Forest of Mamandur. The accused are alleged to have assembled at Masalarevu Bandalu on the night with an intention to commit red sanders smuggling at any cost and even decided to do away with the lives of forest officials who obstruct their way. On 15.12.2013 at about 3.00 a.m., on receipt of credible information regarding illegal transportation of red sander logs from Pedda Chenu Bandalu, Mamandur Reserve Forest, Renigunta Mandal, the 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 Regn. 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 concealed their presence 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 with deceased No.1 and others at about 9.15 a.m. While they were searching for forest officials L.Ws.4 and 17 in execution of their official duty, the Accused 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 with intent to attack the Forest Officials and to do away with their lives. 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 after 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 case is registered initially. On 18.12.2013 the petitioners herein are alleged to have surrendered before L.Ws.3 and 9 and confessed about the commission of offence. L.W.64 recorded the confession of A-134 to A-184 at his office in the presence of the mediators L.Ws.42 and 43. 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 Sessions Court.

A perusal of the material placed before the Court would show that petitioner Nos.1 to 6 are arrested basing on a confession made by accused No.74 and petitioner Nos.7 to 18 are voluntarily surrendered before L.Ws.4 and 10. Though this Court granted bail to some of the accused, who are standing on the same footing as that of the petitioners, but a perusal of the material on record discloses that the petitioners herein are all residents of Tamilnadu State. The learned Public Prosecutor on

instructions submits that if the petitioners are released on bail, there is every possibility of them evading the process of law and it is difficult to apprehend them again. He submits that about 400 accused are facing trial in the case and even if one of the accused abstains or jumps bail, the entire schedule gets collapsed. It is brought to the notice of the Court that a Special Court is constituted to try the case and the schedule for trial is also given. Since the case is posted for trial and in view of the circumstances stated above, I am not inclined to grant bail to the petitioners.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

21.01.2015

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