

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
TUESDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND EIGHTEEN**

:PRESENT:
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRL. P. NO:12544 of 2017

Between:

Dalai Rajubabu @ Raju S/o. Rambabu, Health Assistant, Darakonda Primary Health Center, H.No. 78-027, Darakonda (V), G.K. Veedhi (M) Viskhapatnam District

..... Petitioner/A-44

AND

The State of Andhra Pradesh, through SHO, Sileru PS., Rep., by Public Prosecutor, High Court at Hyderabad

.....Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C., praying that in the circumstances stated in the petition and the grounds filed herein, the High Court may be pleased to enlarge the petitioner/A-44 on bail in Crime No. 12/2017 of Sileru PS pending investigation and trail and thus render justice.

Counsel for the Petitioner : SRI JITHENDER RAO VEERAMALLA

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR (AP)

The Court made the following ORDER:

“This petition is filed under Section 439 Cr.P.C. to grant bail to the petitioner-A44 for the offences alleged under Sections 147, 148, 435, 427, 120 (b) r/w 149 IPC, 25 and 27 (2) of Indian Arms Act, 4 (a) (b) & 5 of Explosive Substance Act, 16, 18, 19 and 20 of Unlawful Activities (Prevention) Act, 1967, 4 of Prevention of Damage to Public Property Act, 1984 and 8 (1)(2) of the Andhra Pradesh Public Security Act, 1992.

2. Heard learned counsel for the petitioner-A44, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A44 would submit that the petitioner-A44 is Health Assistant, working in Darakonda Primary Health Centre, G.K.Veedhi Mandal, Visakhapatnam District. The allegation against the petitioner-A44 is that he is sympathizer of Maoist and Extremist group. The F.I.R. was lodged by the S.I. of Police after more than 24 hours of the occurrence. He is not an eye witness to the alleged offence. On the basis of hearsay, the name of the petitioner-A44 and other accused were incorporated in the F.I.R. and ultimately prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A44.

5. It is not in dispute that the petitioner-A44 is a Government servant i.e., Health Assistant, working in Darakonda Primary Health Centre. The allegation against the petitioner-A44 is that he is sympathizer of Moist Extremist group. It is lodged by the S.I. of Police after more than 24 hours of the commission of alleged offence. As per the F.I.R., prior to 11.10.2017, BSNL Cell Tower was burnt and there was a loss to a tune of Rs.16,00,000/- to the Telecommunication Department. Admittedly, the crime is under investigation. The petitioner-A44 is Health Assistant (Government Servant). Moreover, the F.I.R. was not lodged by any of the eye witness. The involvement of the petitioner-A44 or his innocence is required to be adjudicated after due trial. Further, the petitioner-A44 is in judicial custody from 21.10.2017.

6. Having regard to the nature of allegations and the material collected so far, the petitioner-A44 can be granted bail under Section 439 Cr.P.C.

7. In the result, the petitioner-A44 is ordered to be released on bail on his executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each in a like sum to the satisfaction of Special Judl. Magistrate of I Class-cum-Prohibition & Excise Court, Visakhapatnam. On release, the petitioner-A44 shall attend before the S.H.O. concerned on every Sunday between 9.00 A.M. and 10.00 A.M. till filing of charge sheet.

8. Accordingly, the Criminal Petition is allowed.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Metropolitan Sessions Judge cum I Addl. District and Sessions Judge, Visakhapatnam.
2. The Special Judicial Magistrate of First Class cum Prohibition and Excise Court, Visakhapatnam.
3. The Superintendent, Central Prison, Visakhapatnam.
4. Two CCs to Public Prosecutor (AP), High Court of Judicature, at Hyderabad (OUT)
5. One CC to Sri Jithender Rao Veeramalla, Advocate (OPUC)
6. One Spare Copy

HIGH COURT

**AB
DRAFTED ON 3-1-2018**

DR.SA,J

DATE: 2-1-2018



ORDER

CRL.P. NO. 12544 OF 2017

BAIL