APHC010593582024

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI (Special Original Jurisdiction)

[3327]

MONDAY, THE SIXTH DAY OF JANUARY TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO.9600 OF 2024

Between:

Vadithya Sai Pruthvi Naik **...PETITIONER/ACCUSED**

AND

The State of AP **...RESPONDENT/COMPLAINANT**
Rep. by its PP

Counsel for the Petitioner/accused:
1. P NARAHARI BABU

Counsel for the Respondent/complainant:
1. PUBLIC PROSECUTOR

The Court made the following ORDER:

This Criminal Petition, under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the petitioner/A1, seeking regular bail, in Crime No.51 of 2024 of Penukonda Police Station, Sri Sathya Sai district.

2. Originally, a case has been registered against the petitioner herein and another for the offence punishable under Section 324 read with 34 IPC. Later, during the course of investigation, the police have altered the Section of law from 324 read with 34 IPC to Section 326 read with 34 IPC.

3. Heard. Perused the record.

4. Earlier, on coming to know that a case was registered against them, the petitioner herein/A1 and another Accused No.2 voluntarily surrendered before the learned Magistrate and filed an application in Crl.MP No.472 of 2024 seeking bail. By an order dated 10.04.2024, the learned Magistrate allowed the said application and released the petitioner herein and A2 on bail on their executing personal bonds for Rs.25,000/- each with two sureties for like sum each. Thereafter, pursuant to alteration of Section of law to one under Section 326 read with 34 IPC, police arrested the petitioner herein/A1 on 11.12.2024 and produced him before the jurisdictional Magistrate. On that, petitioner herein/A1 filed Crl.MP No.1490 of 2024, seeking his released on bail. The learned Magistrate, by an order dated 23.12.2024, dismissed the said application on the ground that the petitioner herein was involved in two other crimes and in

order to prevent the petitioner/A1 in committing similar offences and for proper completion of investigation, the Court refused to grant bail to the petitioner/A1.

5. Merely because the petitioner herein/A1 was involved in two other crimes, it does not mean that he would commit similar offences in future. The Courts should be meticulous in passing the orders. The learned Magistrate cannot apprehend something and say that the petitioner herein/A1 would repeat the offences. The petitioner herein/A1 voluntarily surrendered before the jurisdictional Court and obtained bail at first instance. When the Section of law was altered, he was arrested on 11.12.2024 and since then he is in judicial remand.

6. In view of the aforesaid facts and circumstances of the case, this Court is inclined to grant bail to the petitioner herein/A1 on the following conditions.

i) The petitioner/A1 shall be released on bail on his executing a personal bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Penukonda.

ii) On release, the petitioner shall appear before the Station House Officer concerned, once in a week i.e., on every Saturday between 10.00 am and 01.00 pm, till filing of the charge sheet.

7. Accordingly, the Criminal Petition is allowed.

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K. SREENIVASA REDDY, J

Dated:06.01.2025
Nsr

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.9600 of 2024

Dated:06.01.2025

Nsr