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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE FIFTEENTH DAY OF JUNE, TWO THOUSAND AND TWENTY ONE  
: PRESENT :

THE HONOURABLE SRI JUSTICE R. RAGHUNANDAN RAO

CRL.P.No. 3089 of 2021

Between:-

S. Rama Krishna, S/o. Pedda Mallappa, aged 46 years,  
R/o. D.No. 14-153-3, Current Colony, Bye Pass Road,  
B. Kothakota Village & Mandal, Chittoor District.



.....Petitioner/Accused.

AND

The State of Andhra Pradesh, through Station House Officer,  
Piler Urban PS, Chittoor District, Rep. by its Public Prosecutor,  
High Court of Andhra Pradesh, Amaravati.

.....Respondent/Complainant

Petition filed under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused on bail in connection with Crime No. 83 of 2021 of Piler Urban Police Station, Chittoor District.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Dammalapati Srinivas, Senior Counsel appearing for M/s. Mamatha Rani Galati, Advocate for the Petitioner and of the Public Prosecutor on behalf of respondent/State, the Court made the following

**ORDER :-**

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**THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO**

**CRIMINAL PETITION No.3089 OF 2021**

**ORDER:-**

This Criminal Petition is filed under Section 439 of the Code of Criminal Procedure, 1973 to enlarge the petitioner on bail.

2. The petitioner is sole accused in Crime No.83 of 2021 of Piler Urban Police Station, Chittoor District.

3. The alleged offences against him is under Sections 124-A, 153, 153-A I.P.C.

4. The complaint made against the petitioner was that in the course of a television debate, the petitioner had made intemperate statements against the Government and also against the Hon'ble Chief Minister wherein he is said to have stated that he is looking forward to cutting off the head of the Hon'ble Chief Minister. On the basis of these statements, a complaint was filed stating that the statements made by the petitioner would result in enmity between different sections of society and also amounts to a call for violent overthrow of the Government, amounting to an offence under Section 124-A I.P.C. On the basis of these allegations, a case was registered and the petitioner was arrested and remanded to judicial custody on 15.04.2021. He has been in judicial custody since then and the learned trial Judge had dismissed his application for bail in CrI.M.P.No.44 of 2021 by an order dated 10.05.2021.

5. Sri Dammalapati Srinivas, learned Senior Counsel appearing for the petitioner would submit that the petitioner has been in judicial custody for the past 60 days and is definitely not in a position to affect the investigation of the crime. He further submits that the intention of the petitioner was not to call for a violent overthrow of the Government but the petitioner is only expressing his disaffection in the manner in which the Government was being run. He submits that the Ration of the judgment of the Hon'ble Supreme Court in Kedarnath Singh's case (AIR 1962 SC 955) would be a complete answer to the charge of sedition. He submits that the petitioner would be enlarged on bail in view of the incarceration of the petitioner for the past 60 and odd days.

6. The learned Public Prosecutor opposes the grant of bail on the ground that the petitioner is a judicial officer, who is under suspension, and is fully aware of the consequences of the statements and the effect and impact of such statements. He further submits that the statements made by the petitioner, apart from being interpreted, would also amount to a call for violently overthrowing the duly elected Government and the provisions of Section 124-A I.P.C would squarely apply to the present case.

7. The learned Public Prosecutor opposes the grant of bail on the ground that Rules 15 to 17 A.P.Civil Services Conduct Rules specifically stipulates that no serving officer of the Government can speak about any aspect relating to the functioning of the

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Government or make any comments on superior officers except with the permission of the State Government. He submits that in view of the above contention, the petitioner cannot speak about of the issues that the petitioner has been raising before various Fora. He further submits that apart from this rule, the manner in which these issues are being raised by the petitioner would also be required to be seen. He submits that in view of these facts, it is necessary that the petitioner be prohibited from making any allegation against the Government as he is an officer of the government (under suspension).

8. Heard Sri Dammalapati Srinivas, learned Senior Counsel appearing for the petitioner and the learned Assistant to the Public Prosecutor.

9. without going into the question whether provisions of Section 124-A I.P.C would apply, as this issue is hotly contested by both sides, it would be appropriate to deal with this case by taking into account, whether there is any risk of flight by the petitioner or whether there is a possibility of the petitioner affecting the investigation of the crime.

10. In the present case, neither condition appears to be possible as the crime is based on a statement that is said to have been made in a television debate which is recorded and cannot be altered or tampered with. Further, a period of 60 days have already elapsed, and as such, the question of any further tampering with or affecting the investigation would not

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arise. The petitioner is a suspended Judicial Officer, and it is highly unlikely that he would seek to abscond.

11. In view of the above, it would be appropriate to enlarge the petitioner on bail subject to the following conditions:

- i) The petitioner shall furnish a personal bond for Rs.50,000/- (Rupees fifty thousand only) along with two sureties, for a likesum each, to the satisfaction of XI Additional District and Sessions Judge, Piler;
- ii) The petitioner shall not address the press (print or media) on any of the subjects which relates to the case, pending the proceedings;
- iii) The petitioner shall cooperate with the investigation and appear before the Investigating Officer as and when required to be present.

**SD/- E.KAMESHWAR RAO  
DEPUTY REGISTRAR**

//TRUE COPY//

for

  
**SECTION OFFICER**

To

1. The XI Additional District and Sessions Judge, Piler, Chittoor District.
2. The Additional Judicial Magistrate of First Class, Piler, Chittoor District.
3. The Station House Officer, Piler Urban Police Station, Chittoor District.
4. The Superintendent, Central Jail, Chittoor.
5. Two CCs to the Public Prosecutor, High Court of A.P., at Amaravati(OUT)
5. One CC to M/s. Mamatha Rani Galati, Advocate(OPUC)
6. One spare copy.

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RRR.J

DT.15-06-2021.

BAIL ORDER

CRL.P.No. 3089 of 2021

RELEASE THE PETITIONER  
ON BAIL  
(CRIMINAL PETITION IS ALLOWED)

