



ITEM NO.6

COURT NO.12

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (Cr1.) Nos.12659-12662/2024

[Arising out of impugned final judgment and order dated 04-09-2024 in CRLP No. 4548/2024 04-09-2024 in CRLP No. 4583/2024 04-09-2024 in CRLP No. 4628/2024 04-09-2024 in CRLP No. 5303/2024 passed by the High Court of Andhra Pradesh at Amravati]

DEVINENI AVINASH, ETC. ETC.

Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH

Respondent(s)

WITH

SLP(Cr1) No. 12873/2024 (II)

(IA No. 212825/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and 1IA No. 212826/2024 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 13251-13255/2024 (II)

(IA No. 220084/2024 - EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 13607/2024 (II)

(FOR ADMISSION and I.R. and IA No.225973/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 25-02-2025 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Kapil Sibal, Sr. Adv.
Mr. Ponnnavolu Sudhakar Reddy, Sr. Adv.
Mr. Ramesh Allanki, Adv.
Ms. Aruna Gupta, Adv.
Mr. Siddhant Buxy, AOR
Mr. Abhik Chimni, Adv.
Mr. Y. Nagi Reddy, Adv.
Mr. Syed Ahmad Naqvi, Adv.
Mr. Vansh Verma, Adv.

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Mr. Siddhartha Dave, Sr. Adv.
Mr. Ponnnavolu Sudhakar Reddy, Sr. Adv.
Mr. Ramesh Allanki, Adv.
Ms. Aruna Gupta, AOR
Mr. Syed Ahmad Naqvi, Adv.
Mr. Alabhya Dhamija,, Adv.

Mr. Y Nagi Reddy, Adv.
Mr. Shreevardhan Dhoot, Adv.
Mrs. Rolla Madhavi, Adv.

Mr. Abhilash M.R, Adv.
Mr. Akshay Singh, Adv.
Mr. Sandeep Singh, AOR

Mr. P. Mohith Rao, AOR
Ms. J Akshitha, Adv.
Mr. Eugene S Philomene, Adv.

For Respondent(s) :Mr. Sidharth Luthra, Sr. Adv.
Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Guntur Pramod Kumar, AOR
Mr. Samarth Krishan Luthra, Adv.
Ms. Rajni Gupta, Adv.
Mr. Anmol Gupta, Adv.
Mr. Sahir Seth, Adv.
Mr. Suhail Ahmed, Adv.

for impleadment Mr. Shoeb Alam, Sr. Adv.
Mr. Anmol Kheta, Adv.
Ms. Tanya Srivastava, AOR
Mr. Deb Sareen, Adv.

UPON hearing the counsel the Court made the following
O R D E R

These petitions relate to an incident dated 19.10.2021 which allegedly happened at the office of one political party in Mangalagiri, Guntur District, Andhra Pradesh.

The case of the prosecution is that around 70 persons belonging to a particular political party invaded the party office_of another political party, destroyed the property and

the furniture, and inflicted injuries on the office bearers and employees working in the office.

Promptly, an FIR was lodged on the date of incident i.e.19.10.2021 itself.

During the investigation, the names and identities of some of the persons allegedly involved in the incident came to light and apprehending their arrest, these persons had first approached the Andhra Pradesh High Court under section 438 of Cr.P.C. for an anticipatory bail which was denied to them, and now they are before this Court.

By an interim order(s) dated 13.09.2024, 24.09.2024, 27.09.2024 and 04.10.2024 in respective petitions, this Court had granted interim protection to the petitioners subject to their co-operation in the ongoing investigation.

Now the counter affidavit has also been filed. Learned senior Counsel for the State- Mr. Siddharth Luthra, would argue that during the investigation, the names and identities of most of the persons allegedly involved in the incident have come to light and they would pray that the interim protection granted by this Court be vacated at least in few of these cases i.e. Mr. Devineni Avinash, Lella Appi Reddy & Sri Talasila Raghuram in SLP (Crl.) Nos. 12659-12662/2024 and Sri Chinnabattina Vinod Kumar in SLP (Crl.) Nos. 13251-13255/2024. Mr. Siddharth Aggarwal as well as Mr. Shoeb Alam, would reiterate this.

In the counter affidavit the details of the investigation so far have also been annexed which according to the learned counsel for the respondent(s) prima facie show the involvement of the said persons in the crime. Learned Counsel for respondent(s) would argue that these persons are now abusing the interim protection granted by this Court as they are not cooperating with the investigation and valuable material such as cell phones (which they were using at the relevant point of time) and other details, have not been deposited.

For this reason they would ask for custodial interrogation of the aforesaid persons.

The reason why we would refrain from accepting the prayer made by the respondent(s) is primarily that the FIR No.650/2021 dated 19.10.2021 registered at P.S. Mangalagiri, District Guntur Urban is of the year 2021 and the apprehension of arrest has come after a period of more than three years, and according to the petitioners, the reason for the same is the change in the Government in Andhra Pradesh. It has been argued before us that it is not simply a case of slow investigation but it is a case of no investigation at all. It is a clear violation of the provisions of CrPC and all the relevant laws which are applicable.

All the same, it would also be relevant to mention here that admittedly no efforts were made at the hands of the

complainant to move before the High Court in a Writ Petition seeking proper investigation in the case. Considering these facts, we allow the petitioners' prayer for anticipatory bail, as custodial interrogation at this stage may not be necessary.

Be that as it may, the fact also remains that if a crime has been committed, then the perpetrators must be brought to justice. The investigation must proceed fairly.

For this reason, while disposing of the petitions, we also direct that all the petitioner(s) shall co-operate with the ongoing investigation and be present at the Police Station or at any other designated place as required by the Investigating Officer and shall furnish all details which are in their possession and knowledge to the Investigating Officer.

We make it absolutely clear that the non-cooperation of the petitioner(s) will result in the vacating of this order. As such the respondent State is at liberty to approach this Court, if their investigation is hindered due to non-cooperation by the petitioner(s).

We have already directed that the petitioner(s) shall surrender their passport(s) to the Investigating Officer. Apart from that, it is hereby ordered that the petitioner(s) shall, in any case, not leave the country without prior information to the Investigating Officer or permission of the

Court, in case charge sheet is filed in present case.

With the above observations, the Special Leave Petitions stand disposed of.

Pending application(s), if any, shall also stand disposed of.

(RAJNI MUKHI)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR