Date of reserved for orders : --
Date of pronouncement : 15.06.2026
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APHC010280402026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3521]
(Special Original Jurisdiction)

MONDAY, THE 15th DAY OF JUNE 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4460/2026

Between:

1. NAKKA CHINNA VENKATASUBBAIAH, ,S/O CHINNA SUBBANNA,AGED 40 YEARS, NAGASANIPALLI VILLAGEKHAJIPETA MANDAL, KADAPA DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, ,Represented by its Public Prosecutor High Court Building, Amaravati,Through the station house officer,Khajipeta PS, Kadapa District

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. JESHTADI SUNIL KUMAR

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioner/Accused No.10 for granting of pre-arrest bail in connection with

Crime No.25 of 2026 of Khajipeta Police Station, Kadapa District, registered for the alleged offence punishable under Sections 303(2), 132, 49, 61(2) read with read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS') and Sections 20(1)(d)(i)(a) read with 20(1)(c) ii, iii, iv, x, 36(a) read with 32-A of the Andhra Pradesh Forest Act, 1967 and Rule 3 and 4 of the Andhra Pradesh Sandalwood and Red Sanders Wood Transit Rules, 1969 read with Section 29(4)(a)(i) of the Andhra Pradesh Forest Act, 1967 and Section 3 of the Prevention of Damage to Public Property Act, 1984.

CASE OF THE PROSECUTION:

2. The case of the prosecution is that on 21.03.2026 at about 4:30 p.m., within the Reserve Forest area near Chilla Kanuma on the western side of Nagasanipalli Village, Khajipet Mandal, YSR Kadapa District, the Inspector of Police, Khajipet Police Station, apprehended Accused No.1/Chitteni Prathap Reddy along with seven others including a Juvenile, while they were engaged in loading 17 Red Sanders logs into an Ashok Leyland Dost vehicle. The raiding party seized the contraband logs, one Maruti Alto car, one Ashok Leyland Dost vehicle, one Unicorn motorcycle, and two stones, all valued at approximately Rs.10,54,000/-, under cover of panchnama dated 21.03.2026, while two persons and others managed to abscond, thereby forming the gravamen of the prosecution case for smuggling and unlawful possession of forest produce.

CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:

3. Sri Jeshtadi Sunil Kumar, learned counsel for the Petitioner submits that the present case is a manifest abuse of process of law, inasmuch as the entire substratum of the case against the Petitioner rests solely upon the alleged confessional statements of co-accused, which are neither admissible in evidence nor corroborated by any independent material. It is urged that the Petitioner, a law-abiding farmer with permanent abode and dependent family, was not apprehended at the scene of offence, no incriminating property was recovered from his possession, and there are no specific allegations attributing any overt act to him. It is further contended that the registration of FIR itself is vitiated by *mala fides*, bereft of the essential ingredients of the offences alleged, and that personal liberty cannot be curtailed merely on suspicion or untested confessional statements. The Petitioner is willing to abide by any condition that this Court may deem fit and proper for the grant of anticipatory bail. Hence, it is urged that this Court may be pleased to enlarge the Petitioner/Accused No.10 on anticipatory bail.

4. Learned Counsel for the Petitioner relied on the judgments of this Court in **Guddeti Ramnadh Reddy v. State of A.P.,**[1] and **Bukke Nagaraja Naik v. State of A.P.,**[2] wherein in similar circumstances the Petitioners therein were granted pre-arrest bail.

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[1] Crl.P.No.6090/2022 dated 17.08.2022
[2] Crl.P.No.7026/2024 dated 21.10.2024

ARGUMENTS OF THE ASSISTANT PUBLIC PROSECUTOR:

5. *Per contra*, K.Sandeep, learned Assistant Public Prosecutor vehemently opposed anticipatory bail, contending that the present case is one of criminal conspiracy, abetment, and unlawful trespass into the Reserve Forest, wherein the accused persons felled live red sanders trees and attempted to smuggle the contraband by loading them into vehicles. So far only eight witnesses were examined. It is urged that on 21.03.2026 at 4:30 p.m., Accused Nos.1 to 7 along with a Juvenile were apprehended in possession of 17 red sanders logs weighing 326.700 kgs, together with a Honda Unicorn motorcycle, Ashok Leyland Dost vehicle, Maruti Suzuki Alto car, and two fist-sized stones. During investigation, the arrested accused confessed to the involvement of the Petitioner and others, and custodial interrogation of absconding Accused Nos.9 to 11 is pending. It is therefore contended that the Petitioner, being Accused No.10, is absconding since the date of offence, and enlargement on anticipatory bail would obstruct investigation, embolden the smuggling syndicate, and gravely prejudice the larger public interest. Hence, it is urged to dismiss the Criminal Petition.

6. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

POINT FOR CONSIDERATION:

7. In the light of the case of the prosecution and the contentions of the learned Counsel for both the sides, now the point for consideration is:

"*Whether the Petitioner is entitled for grant of pre-arrest bail?*"

ANALYSIS AND CONCLUSION:

8. Upon careful consideration of the rival submissions, perusal of the case diary, this Court is of the considered view that the Petitioner is not entitled to anticipatory bail, since the allegations disclose a serious offence. The material on record *prima facie* establishes the Petitioner's complicity in assisting Accused No.1 and others in red sanders smuggling, and his continued abscondence necessitates custodial interrogation to unearth the larger conspiracy.

9. It is also noted that the in the cases relied on by the learned Counsel for the Petitioner, wherein anticipatory bail was granted, are clearly distinguishable on facts and circumstances. In those matters, the Petitioners were implicated only on the basis of co-accused confessional statements without any independent corroboration, and the Court found that custodial interrogation was unnecessary. In contradistinction, the present case discloses *prima facie* material of active participation of the Petitioner in the larger conspiracy of red sanders smuggling, coupled with his continued abscondence since the date of offence, thereby necessitating custodial interrogation to unearth the conspiracy. The gravity of the offence, the statutory minimum punishment prescribed, and the likelihood of tampering with evidence or absconding further distinguish this case from the earlier ones. Hence, the reliance on those anticipatory bail orders is misplaced, and this Court, mindful of the settled principles laid down by the Hon'ble Apex Court, finds no justifiable ground to exercise discretion under Section 482 of 'the BNSS'.

10. Indeed, grant of pre-arrest bail is neither a license for commission of a grave offence nor a shield or protection for the persons who have allegedly committed grave offence, and against whom specific overt acts are attributed, as per the judgments of the Hon'ble Supreme Court in **Gurbaksh Singh Sibbia v. State of Punjab**[3] and **Sushila Aggarwal v. State (NCT of Delhi)**. [4]

11. In view of above facts and circumstances of the case, nature and gravity of the specific allegations levelled against the Petitioner, this Court is not inclined to consider the request of Petitioner for grant of pre-arrest bail as the Petitioner is disentitled for the relief.

12. Hence, this Criminal Petition is dismissed.

DR. Y. LAKSHMANA RAO, J

Date: 15.06.2026
VTS

Whether the order is :
Speaking Yes/No / Recorded Yes/No
Reportable Yes/No / Non-Reportable Yes/No

[3] (1980) 2 SCC 565
[4] (2020) 5 SCC 1