Date of reserved for orders :
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Date of uploading :

APHC010304022026

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

TUESDAY, THE 30th DAY OF JUNE 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4800/2026

Between:

1. VALLEPU MASTAN, S/O. VALLEPU POLAIAH, AGED ABOUT 38 YEARS.OCCUPATION SELF EMPLOYED,ADDRESS 1-106, B C COLONY, KONANKI,PIDUGURALLA, PALNADU - 522413.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, Represented by STATION HOUSE OFFICERNarsaraopet II Town Police Station,Through the Public Prosecutor,at Honble High Court of AP at Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. GUNDALA SIVA PRASADA REDDY

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] by the Petitioner/Accused, for granting of pre-arrest bail in connection with Crime No.44 of 2026 of Narsaraopet II Town Police Station, Palnadu District registered for the alleged offences punishable under Sections 318(2), 318(4), 351(3), 336(2), 338, 336(3) and 340(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023[2].

2. Heard the learned Counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

3. The Petitioner without approaching the learned Session Judge at the first instance seeking pre-arrest bail and has directly approached this Court, which procedure is contrary to the law laid down by the Hon'ble Apex Court in ***Mohammed Rasal.C v. State of Kerala***[3] and ***Jagdeo Prasad v. State of Bihar and others***[4]***.***

4. Without going into the merits of the matter, it is brought to the notice of this Court by the learned Assistant Public Prosecutor that this case has been filed under Section 482 of 'the BNSS', seeking for grant of pre-arrest bail without approaching the learned Sessions Judge concerned at first instance. The Hon'ble Apex Court in ***Mohammed Rasal. C*** *supra* wherein at paragraph Nos.7, 8 and 9 it was held as follows:-

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[1] the BNSS
[2] the BNS
[3] Special Leave to Appeal (Crl) Nos. 6588 of 2025, dated 08.09.2025.
[4] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

"7. The Sessions Judge exercises powers under Section 438 Cr.P.C in relation to all cases registered with the police stations in the particular District. This area-wise distribution of work would make it much more convenient and facilitate expeditious disposal, if the application for pre-arrest bail is first filed before the Sessions Court which would have a direct and first-hand assistance of the concerned Public Prosecutor appointed for that particular District. The Sessions Court would also have an immediate access to the Case Diary thereby facilitating a better appreciation of facts of the case.

8. We further feel that if the practice of entertaining the applications for pre-arrest bail directly in the High Court is encouraged, and the parties concerned are not relegated to first approach the Sessions Court concerned, the High Court would be flooded with a spate of pre-arrest bail applications thereby creating a chaotic situation. We say so, because if the parties are required to approach the Sessions Court concerned for seeking remedy of pre-arrest bail, there is a strong probability that significant number of applications would be allowed at that level only thereby acting as a filtration process before the process reaches the High Court.

9. It is trite that in most of the States, there is a consistent practice requiring the litigant concerned to first approach the Sessions Court for seeking relief of pre-arrest bail and only in the event of denial of such relief, the litigant would be granted access to approach the High Court for seeking such relief. This is, of course, subject to just exceptions and the High Court, for reasons to be recorded, may entertain an application for pre-arrest bail directly in special/ extra-ordinary circumstances."

5. The Hon'ble Apex Court in ***Jagdeo Prasad v. State of Bihar and others***[5], *supra* wherein at para No. 6 as under:

"6. However, before parting, we do wish to express our sincere concern with the haste at which the High Court has dealt with this matter. While the scheme of Criminal Procedure Code, 1973 (now Bharatiya Nagarik Suraksha Sanhita, 2023) provides concurrent jurisdiction to the High Court and Sessions Court for entertaining applications for anticipatory bail, this Court has time and again observed that High Court should always encourage exhausting an alternative/concurrent remedy before directly interfering itself. This approach balances the interests of all the stakeholders, first by giving the aggrieved party a round of challenge before the High Court. Second, this approach provides the High Court an opportunity to assess the judicial perspective so applied by the Sessions Court, in concurrent jurisdiction, instead of independently applying its mind from the first go. Further, the High Court fails to record any reason for directly granting anticipatory bail without impleading the appellant-complainant as a party."

[5] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

6. Albeit this Court has got concurrent jurisdiction under Section 482 of 'the BNSS', such discretionary relief would only be granted, when the Petitioner establishes a special case or extra ordinary circumstance. As seen from the averments, the Petitioner neither established a special case nor extra-ordinary circumstance. However, in view of the orders passed in ***Mohammed Rasal.C*** and ***Jagdeo Prasad*** *supra*, this Court is not inclined to exercise its discretionary power to grant pre-arrest bail to the Petitioner, as he has not approached the learned Sessions Judge concerned at first instance.

7. In view of the above facts and circumstances of the case, Criminal Petition is disposed of, granting liberty to the Petitioners/Accused to approach the learned Sessions Judge concerned at the first instance and move appropriate application for grant of pre-arrest bail within a period of two (02) weeks from the date of receipt of a copy of this order. Any observations made in this order shall not hinder the learned Sessions Judge concerned from independently applying its mind and passing appropriate orders on merits in accordance with law.

9. With the above direction, the Criminal Petition is disposed of.

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DR. Y. LAKSHMANA RAO, J

Date: 30.06.2026
KMS

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

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KMS