APHC010360932026

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

TUESDAY, THE 11th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5813/2026

Between:

1. KOLAKANI RAMANJANEYULU, SHOWN IN FIR AS KOLAGANI RAMANJANEYULUS/O VEERANJANEYULU, AGED ABOUT 26 YEARS,OCC SHEPERD,R/O. 4-51, GOGULAPADU, ROMPICHERLA MANDAL,PALNADU DISTRICT, ANDHRA PRADESH - 522617.
2. DOMANABOINA SIVA SAI, ,SHOWN IN FIR AS DEVANABOINA SIVASAIS/O PEDA VENKATESWARLU, AGED ABOUT 26 YEARS,OCC SHEPERD,R/O. 4-35/3, B.C. COLONY, GOGULAPADU,ROMPICHERLA MANDAL, PALNADU DISTRICT,ANDHRA PRADESH - 522617

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, Station House Officer, Rompicherla P.S.,Palnadu District, through its Public Prosecutor,High Court of Andhra Pradesh at Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. SASANKA BHUVANAGIRI

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 Petitioners/Accused Nos.2 & 4 for granting of pre-arrest bail in connection with Crime No.62 of 2026 of Rompicherla Police Station, Palnadu District, registered for the alleged offences punishable under Sections 109(1), 333 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS.,').

2. Sri Sasanka Bhuvanagiri, learned Counsel for the Petitioners/Accused Nos.2 & 4 submits that the FIR in Cr.No.62/2026 is wholly misconceived and does not disclose any *prima facie* case against Petitioners/Accused Nos.2 and 4 warranting pre-trial custody. The allegations are palpably exaggerated and self-serving, and on the face of the record the only acts of violence of a serious nature are attributed to Accused No.1 while the Petitioners are alleged, at best, to have merely restrained or given a single blow. Even the de-facto complainant's own statement shows no intention by the Petitioners to cause death or grievous hurt and the injuries alleged are simple and not of a kind contemplated by Section 109(1) of 'the BNS.' There is palpable *mala fides* in the FIR: the attempt-to-murder charge has been tacked on to convert what arose from a trivial dispute over sheep grazing into a grave offence, thereby circumventing the procedural safeguards of Section 35(3) of 'the BNSS.,' and enabling arrest without proper justification. In these circumstances the invocation of serious penal provisions against Petitioners/Accused Nos.2 and 4 is unsustainable.

3. Learned Counsel for the Petitioners further submits that Petitioners/Accused Nos.2 and 4 are peaceable shepherds with no criminal antecedents, deep roots in the village, and pressing familial and economic necessities that make their arrest punitive and disproportionate. The investigation is substantially complete, material witnesses have been recorded, and there is no material to suggest risk of flight, tampering or repeat offending. The Petitioners undertake full cooperation with the probe and offer to furnish adequate sureties and abide by any conditions this Court may impose. Hence, it is urged to allow the Criminal Petition.

4. *Per contra*, Mr.A.Sai Rohith, the learned Assistant Public Prosecutor, vehemently opposed the grant of pre-arrest bail to the Petitioners, submits that the allegations in the FIR and the victim's statement disclose a serious, pre-meditated attack: over a dispute concerning a missing lamb Accused No.1 developed a grudge, conspired with Accused Nos.2 to 5, and together, while armed with knives, unlawfully trespassed into the victim's house with the common intention to eliminate him. Accused No.1 instigated the group by shouting "kill this fellow" and then hacked the injured on the neck and back causing severe bleeding, while Accused Nos.2 and 4 caught hold of the victim to enable the assault, Accused No.3 and others aided and abetted, Accused No.5 assaulted the victim's sister and pulled off her saree, and all the accused threatened to kill the victim before fleeing. The offences alleged include attempt to murder under Section 109(1) and hurt under Section 333 read with Section 3(5) of 'the BNS.,' which are grave in nature. The investigation

remains pending, medical certificates and statements of other witnesses are yet to be taken, and there is realistic apprehension that, if the Petitioners are enlarged on bail, they may tamper with evidence or intimidate witnesses, including the victim, thereby jeopardizing the probe and trial. Hence, it is urged to dismiss the Criminal Petition.

5. Heard the learned counsel for the Petitioners and the learned Assistant Public Prosecutor. Perused the record.

6. As seen from the record, there are specific overt acts against Petitioners/Accused Nos.2 & 4, that they caught hold of the victim when Accused No.1 specifically attacked with knife. One of the victims suffered grievous injuries in the hands of the Accused. Accused No.4 also fisted the de-facto complainant with force on his head.

7. The grant of pre-arrest bail to the Petitioners, is neither a license for commission of serious offence nor a shield or protection for having committed grave offences, as per the decisions of the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Punjab**[1] and **Sushila Aggarwal v. State (NCT of Delhi)** [2] . The remedy of pre-arrest bail, being an extraordinary and discretionary relief, cannot be granted to the Petitioners against whom specific overt acts are attributed. Therefore, request for grant of pre-arrest bail to the Petitioners/Accused Nos.2 & 4 at this juncture does not appear to be convincing or reasonable. There are no merits in the petition. Hence, the Criminal Petition is devoid of merit and is liable to be dismissed.

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

8. In the result, this Criminal Petition is dismissed.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 11.08.2026
VTS