APHC010427582026

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

THURSDAY, THE 3rd DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7049/2026

Between:

1. POLAVARAM VENKATESWARLU ALIAS CHALAPATHI NAIDU, S/O. P. JAYARAMA NAIDU, AGED ABOUT 44 YEARS,R/O. D.NO.2-4, RAJULAKANDRIGA, MANDIBAKU,M.D.PUTTUR, YERPEDU MANDAL, TIRUPATI DISTRICT.
2. K PRASAD, S/O. K. SUBRAMANYAM,AGED ABOUT 32 YEARS, D.NO.5-9,RAMALINGAPURAM VILLAGE, SIVANANDHAPALLEM,THOTTAMBEDU MANDAL, TIRUPATI DISTRICT.

...PETITIONER/ACCUSED(S)

AND

THE STATION HOUSE OFFICER, Yerpedu Police Station,Tirupati District,Rep., by its Public Prosecutor,High Court of A.P, Amaravathi.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

C SUBODH

Counsel for the Respondent/complainant:

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.1 and 4 for granting of pre-arrest bail in connection with Crime No.108 of 2026 of Yerpedu Police Station, Tirupati District, was registered for the alleged offence punishable under Sections 109(1) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

2. Mr.C.Subodh, the learned counsel for the petitioners, submits that the petitioners are the innocents of the alleged offence. They are law-abiding citizens. They have not committed any offence. They are the sole breadwinners of the family. They have been falsely implicated by the police. The petitioners undertake to strictly adhere to any conditions that may be imposed by this Court. In light of the foregoing submissions, learned counsel prays that the present petition be allowed in the interest of justice.

3. *Per contra*, Mr.Neelotphal Ganji, the learned Assistant Public Prosecutor, vehemently opposed the grant of pre-arrest bail to the petitioners, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the petitioners are released on pre-arrest bail, there is a strong likelihood that they may abscond, thereby hampering the ongoing investigation and evading the process of law. Hence, it is urged that the petition be dismissed.

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

5. As seen from the record, the de-facto complainant is the brother of the victim/injured. The victim was examined as L.W.2, and the de-facto complainant was examined as L.W.1. On perusal of the statements recorded by the Investigating Officer under Section 161 of 'the Cr.P.C.,'/Section 180 of 'the BNSS', those statements are nothing but a replica of the first information given by the de-facto complainant in the form of a report to the police. The statement under Section 161 of 'the Cr.P.C.,' does not reveal any specific overt acts attributed to the accused. The Investigating Officer has not recorded the statements under Section 161 of 'the Cr.P.C.,' as per the procedure prescribed; rather, he has simply duplicated the averments of the original complaint lodged by the de-facto complainant with the Station House Officer, Yerpedu Police Station.

6. On perusal of the report lodged by the de-facto complainant, there are no specific overt acts attributed to the petitioners. The allegations are omnibus in nature.

7. The learned Assistant Public Prosecutor submits that the victim/L.W.2 suffered injuries at the hands of the petitioners, whereas the wound certificate does not state the nature of the injuries.

8. In this context, it is relevant to direct the Superintendent of Police, Tirupati, to conduct appropriate training for the Investigating Officer as to how

the statements under Section 161 of 'the Cr.P.C.,'/Section 180 of 'the BNSS' are required to be recorded and what are the facts that are required to be elicited from the witnesses/victims.

9. Having regard to the entire facts and circumstances of the case, the gravity and nature of the allegations levelled against the petitioners/Accused Nos.1 and 4, this Court deems it fit to grant pre-arrest bail to the petitioners/Accused Nos.1 and 4 with the following conditions:

10. In the result, the Criminal Petition is allowed with the following conditions:

i. In the event of their arrest, petitioners/Accused Nos.1 and 4 shall be enlarged on bail subject to their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for the like sum each to the satisfaction of the arresting police officials;

ii. The petitioners/Accused Nos.1 and 4 shall make themselves available for investigation as and when required;

iii. The petitioners/Accused Nos.1 and 4 shall not cause any threat, inducement or promise to the prosecution witnesses

iv. The petitioners/Accused Nos.1 and 4 shall appear before the Station House Officer concerned once in a week i.e., on every Saturday between 10.00 a.m. and 5.00 p.m., till filing of the charge sheet.

v. The petitioners/Accused Nos.1 and 4 shall not leave the limits of the State of Andhra Pradesh without the express permission from the Station House Officer concerned.

vi. The petitioners/Accused Nos.1 and 4 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court.

DR. Y. LAKSHMANA RAO, J

Date: 03.09.2026
RSI

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7049 of 2026

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