APHC010442632026

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

TUESDAY, THE 8th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NOs: 7361 and 7359 of 2026

CRIMINAL PETITION NO: 7361/2026

Between:

1. UNNAM SUDHEER ALIAS SANNI, S/O ARUNABABU,AGED ABOUT 20 YEARS DOB 05/10/2005,RESIDING AT D.NO. 1-39/1, KOLAKALURU VILLAGE,TENALI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH - 522307.
2. UNNAM GOPI, S/O RAMBABU,AGED ABOUT 28 YEARS DOB 01/07/1998,RESIDING AT D.NO. 17-120, KOLAKALURU VILLAGE,TENALI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH - 522307.MOBILE 9963118546

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AT AMARAVATI.
2. THE STATION HOUSE OFFICER, TENALI RURAL POLICE STATION,GUNTUR DISTRICT.
3. THE VICTIM GIRL, VICTIM

...RESPONDENT/COMPLAINANT(S):

CRIMINAL PETITION NO: 7359/2026

Between:

1. VUNNAM ARUN KUMAR ALIAS MOSHE, S/O SURESH,AGED ABOUT 24 YEARS DOB 06/04/2002,OCC ADVOCATE CLERK HIGH COURT OF ANDHRA PRADESH,RESIDING AT D.NO. 1-1/1, KOLAKALURU VILLAGE,TENALI MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH - 522307.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AT AMARAVATI.
2. THE STATION HOUSE OFFICER, TENALI RURAL POLICE STATION,GUNTUR DISTRIC
3. THE VICTIM GIRL, VICTIM

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. SRIPATHI RAVI TEJA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:
COMMON ORDER:

These two Criminal Petitions are heard together and are being disposed of by this Common order, as the Petitioners in the two petitions are different, but the crime registered against them is one and the same.

2. Criminal Petitions have been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] by the Petitioners/Accused Nos.1, 2 and 6

[1] the BNSS

for granting of pre-arrest bail in connection with Crime No.128 of 2026 of Tenali Rural Police Station, Guntur registered for the alleged offences punishable under Sections 64(2)(m), 65(1) and 351(2) of the of the Bharatiya Nyaya Sanhita, 2023[2] and 6 read with 5(I), 17 of the Protection of Children from Sexual Offences Act, 2012 (for brevity 'the POCSO Act').

3. Heard Sri C. Raghu, learned Senior Counsel appearing on behalf of Sri Sripath Raviteja, learned Counsel for the Petitioners and the learned Assistant Public Prosecutor. Perused the record.

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* at paragraph Nos.7, 8 and 9 it was held as follows:-

> *"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.*

[2] the BNS

> *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***[3], *supra* 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."*

6. As seen from the record, the Petitioner/Accused No.6 is working as an advocate clerk in the High Court of Andhra Pradesh. Serious allegations have been levelled against the Petitioners by Respondent No.3. The specific allegation against the Petitioners/Accused is that they, along with other Accused, used to convey information of Accused No.1 to the victim/Respondent No.3. The Petitioners/Accused Nos.1, 2 and 6 without approaching the learned Session Judge, at the first instance, seeking pre-arrest bail, have directly approached this Court which procedure is contrary to

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

the law laid down by the Hon'ble Apex Court in **Mohammed Rasal.C v. State of Kerala**[4] and **Jagdeo Prasad v. State of Bihar**[5]***.***

7. Albeit this Court has got concurrent jurisdiction under Section 482 of 'the BNSS', such discretionary relief would only be granted, when the Petitioners establish a special case or extra ordinary circumstance. As seen from the averments, the Petitioners 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 Petitioners, as they have not approached the learned Sessions Judge concerned at first instance.

8. In view of the above facts and circumstances of the case, Criminal Petitions are disposed of, granting liberty to the Petitioners/Accused Nos.1, 2 and 6 to approach the learned Sessions Judge concerned at the first instance and move appropriate applications for grant of pre-arrest bail within a period of two (02) weeks from the date of this order. Until such time, no coercive steps shall be taken against the Petitioners. 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 Petitions are disposed of.

DR. Y. LAKSHMANA RAO, J

Date: 08.09.2026
KMS

[4]Special Leave to Appeal (Crl) Nos. 6588 of 2025, dated 08.09.2025.
[5] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

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