APHC010455672026

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 NO: 7604/2026

Between:

1. NALADI LAKSHMI, W/O. HARI NARAYANA, 47 YEARS. DOOR NO.LL-131/B,SWEEPER,JONNALAGADDA VILLAGE, GUNTUR RURAL.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, Representation by its Public Prosecutor,High Court of Andhra Pradesh at High Court Buildings at Amaravati,Guntur District, Andhra Pradesh. SHO, Nallapadu Police Station, Guntur

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Courtmay be to grant anticipatory bail to the petitioner in the event of his arrest in FIR No. 287 of 2026, dated 12.04.2026 on the file of the Nallapadu Police Station and pass

Counsel for the Petitioner/accused:

1. CHITTIMURI RAGHAVULU

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

This Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), by the petitioner/Accused No.6, for granting pre-arrest bail in connection with Crime No.287 of 2026 of Nallapadu Police Station, Guntur, registered for the alleged offences punishable under Sections 80(2), 85 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity, 'the BNS').

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

3. The learned Counsel for the Petitioner fairly submits that this is the second pre-arrest bail application. Indeed, this Court, by order dated 30.07.2026 in Crl.P.No.5808 of 2026, dismissed the first bail application of the Petitioner/Accused No.6.

4. In this regard, it is apposite to refer to the judgment of the Hon'ble Apex Court in **G.R. Ananda Babu v. State of Tamil Nadu**[1], wherein, at paragraph No. 6, it was held as under:

> *"6.As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (Respondent 2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge."*

5. Thus, in **G.R.Ananda Babu** *supra*, it was held that successive anticipatory bail applications are not maintainable when the accused is

[1](2021) 16 SCC 725

absconding and not cooperating with the investigation. A mere change in circumstances is not a valid ground once an earlier application has been rejected by a reasoned order.

6. However, learned counsel for the Petitioner urges this Court to pass an order directing the Petitioner to surrender before the learned Judicial Magistrate.

7. This Court refers the judgment of the Hon'ble Apex Court in ***Om Prakash Chhawnika alias Om Prakash Chabnika alias Om Prakash Chawnika v. State of Jharkhand***[2], wherein Hon'ble Apex Court held that the High Courts have no jurisdiction to direct the accused to surrender before the Court and seek regular bail. In view of the law laid down in ***Om Prakash Chhawnika*** *supra*, the request of learned counsel for the Petitioner cannot be entertained.

8. The Petitioner has a right to surrender before the learned Jurisdictional Magistrate under Section 437 of 'the Cr.P.C.,'/Section 480 of 'the BNSS'. The language employed in the aforesaid provisions makes it clear that if the Petitioner appears or is brought before the Court, or if the Petitioner is detained or arrested, he may move an application for bail before the learned Jurisdictional Magistrate in respect of a non-bailable offence. Therefore, no specific permission is required to be granted to the Petitioner to surrender before the Jurisdictional Magistrate.

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[2] 2026 SCC OnLine SC 676

9. In the result, the Criminal Petition is disposed of, leaving it open to the Petitioner to avail the remedies available under Section 480 of ‘the BNSS’.

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

DR. Y. LAKSHMANA RAO, J

Date: 08.09.2026
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