IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 7324 OF 2024

Between:

N.Ramachandra Reddy, S/o.Venkata Reddy, Aged about 45 years, R/o.Pothulakunta village, Kothacheruvu Mandal, Sri Satya Sai District.

...PETITIONER/ACCUSED

AND

State of Andhra Pradesh, Rep. by Public Prosecutor, High Court of Andhra Pradesh at Amaravathi.

...RESPONDENT

Petition filed under Section 438 of Cr.P.C (Under Section 482 of BNSS) praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused on bail in the event of his arrest in Cr.No.128/2024 on the file of Kothacheruvu U P.S. dated 29-09-2024 under Sections 64 r/w 62, 118 (2), 351 (3) BNS Act.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C Subodh, Advocate for the Petitioner and the Assistant Public Prosecutor on behalf of the Respondent

The Court made the following ORDER :

THE HONOURABLE SMT JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION No.7324 of 2024

ORDER:

The Criminal Petition filed under Section 438 of the Code of Criminal Procedure, 1973 on behalf of the petitioner/accused herein to grant anticipatory bail in connection with Crime No.128/2024 of Kothacheruvu U Police Station, Sri Sathya Sai District.

2. A case has been registered against the petitioner for the offence punishable under Sections 64 read with 62, 118(2), 351(3) BNS.

3. Heard both sides and perused the record.

4. Learned counsel for the petitioner would submit that it is a case and counter. The petitioner approached the police to give a complaint on the very same day and that was refused. Petitioner sustained injuries and he was hospitalized. On 05.10.2024 the complaint of the petitioner was sent through post which was refused by the police. That itself shows the conduct of the police to receive the complaint from the petitioner. Learned counsel would further submit that there is a long pending dispute relating to the parties which is civil in nature. Father of the petitioner lodged a case against father in law of the victim on 15.7.2013. In the light of the history of the civil litigation pending between the parties indicates it is a false case alleged against the petitioner after harassing him brutally and prays to allow the petition.

5. Learned Assistant Public Prosecutor would submit that investigation is at crucial stage. Further more for the offence under Section 64 of BNS which is punishable under section 65 of BNS, Section 482 of BNSS has no application and prays to dismiss the petition.

6. Considering the submissions made and on perusal of the material on record, *prima facie* the allegations made in the complaint would

attract the offence under Section 64 for which the punishment is under Section 65 BNS. As can be seen from Section 482 of BNSS that excludes the offence punishable under Section 65 of BNS. In addition to that Section 62, 118 and 351 of BNS are also lodged against the petitioner. This Court makes it clear that this Court has not expressed anything adjudicating the liberty or otherwise of the contentions raised by the petitioner in the present petition relating to a counter complaint which the petitioner tried to lodged.

7. In the light of the non-applicability of Section 482 BNSS for the offence punishable under Section 64 of BNS, this Court is not inclined to grant anticipatory bail in this matter. However the petitioner is at liberty to surrender before the Court concerned and move regular bail application and on filing such application, the concerned Court may dispose of the application as expeditiously as possible.

8. Accordingly, the Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

SD/- B.PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Station House Officer, Kothacheruvu Urban Police Station, Sri Satya Sai District.
2. One CC to Sri C Subodh Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh at Amaravati [OUT]
4. Three CD Copies

BSV

TAC

HIGH COURT

DATED:03/12/2024

ORDER

CRLP.No.7324 of 2024



DISPOSED OF THE CRIMINAL PETITION