

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.12461 of 2025

ORAL ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.1 in Crime No.208 of 2025 of Balanagar Police Station, Mahabubnagar District.

2. Heard Sri V. Raghunatha Rao, learned Senior Counsel representing Smt. Mogili Anaveni, learned counsel appearing on behalf of the petitioner as well as Sri D. Arun Kumar, learned Additional Public Prosecutor appearing on behalf of the respondent - State.

3. Without going into the merits of the case, it is seen from the record that the petitioner has directly approached this Court seeking anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

4. At this stage, it is pertinent to note the judgment of the Hon'ble Supreme Court, in the case of **Mohammed Rasal. C and Another v. State of Kerala and Another**¹, has clearly held that though the Sessions Court and the High Court exercise concurrent jurisdiction to entertain applications for anticipatory bail under Section 482 of the BNSS (formerly Section 438 Cr.P.C.), judicial discipline and the hierarchy of Courts require that such applications must ordinarily be filed before the Sessions Court in the first instance. The Hon'ble Supreme Court further observed that entertaining such applications directly in the High Court, without first invoking the jurisdiction of the Sessions Court, undermines procedural discipline and unnecessarily burdens the High Court with matters that can be effectively dealt with at the District level. The Sessions Court, being the court of first contact, is better placed to consider such applications as it has immediate access to case records and the assistance of the concerned Public Prosecutor. It is only in exceptional or extraordinary circumstances, with reasons specifically recorded, that the High Court may entertain a direct application.

¹ Special Leave to Appeal (Crl.) No.6588/2025 dated 08.09.2025

5. In view of the law laid down by the Hon'ble Supreme Court, this Court finds it appropriate to direct the petitioner to first approach the trial Court for seeking the relief of anticipatory bail.

6. Accordingly, this Criminal Petition is disposed of with liberty to the petitioner to approach the trial Court for grant of pre-arrest bail.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 07.10.2025
SAI

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