APHC010249762026

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

TUESDAY, THE 10th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION Nos: 3972 and 4041 of 2026

1.CRIMINAL PETITION NO: 3972/2026

Between:

1. MUSALABOYINA BASAVA KARTHIK, S/O MUSALABOYINA BASAVA PRASAD, AGED ABOUT 26 YEARS,R/O 21/167A, UPPARIPETA, NANDYAL DISTRICT.518501

...PETITIONER

AND

1. TELUGU NAGA PRASANNA, W/O MANDALA ANIL KUMAR, AGED ABOUT 38 YEARS,R/O 5 FLOOR, ESWAR RESIDENCY, NIZAMPET,KUKATPALLY, HYDERABAD CITY, TELANGANA. 500045
2. BESTA GEETA VANI, W/O BESTA SIVA NAGARAJU, AGED ABOUT 35 YEARS,R/O FLAT NO. 815, LAHARI TWINS APARTMENT,BACHUPALLI, HYDERABAD CITY, TELANGANA. 500090
3. THE STATE OF ANDHRA PRADESH, ,THROUGH STATION HOUSE OFFICER,NANDYAL II TOWN POLICE STATION, NANDYAL DISTRICTREP.BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.

...RESPONDENTS:

Counsel for the Petitioner:

1. Y BHANUSRI AKHILA

Counsel for the Respondents:

1. CH B R P SEKHAR
2. PUBLIC PROSECUTOR

2.CRIMINAL PETITION NO: 4041/2026

Between:

1. MUSALABOYINA BASAVA KARTHIK, ,S/O MUSALABOYINA BASAVA PRASAD, AGED ABOUT 26 YEARS,R/O 21/167A, UPPARIPETA, NANDYAL DISTRICT.518501

...PETITIONER

AND

1. MANDALA UDAY KIRAN, ,S/O MANDALA HUSSAINAIAH, AGED ABOUT 31 YEARS,R/O H.NO. 28-768-16-2-L, LALITHA NAGAR,NANDYAL TOWN, NANDYAL DISTRICT.518501
2. THE STATE OF ANDHRA PRADESH, ,THROUGH STATION HOUSE OFFICER,NANDYAL II TOWN POLICE STATION, NANDYAL DISTRICTREP.BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.

...RESPONDENT:

Counsel for the Petitioner:

1. Y BHANUSRI AKHILA

Counsel for the Respondents:

1. CH B R P SEKHAR
2. 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 Petitioner/de-facto complainant in both the petitions is one and the same, the crime involved is also the same, though the Respondents/Accused are different. Both the Criminal Petitions are filed challenging the orders granting bail to the Respondents/Accused in Crl.M.P.Nos.33 and 42 of 2026.

2. Criminal Petition Nos.3972 of 2026 and 4041 of 2026 are filed under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), seeking cancellation of the bail granted to Respondents/Accused Nos.1 to 3 in Crime No.03 of 2026 of Nandyal II Town Police Station, *vide* orders dated 29.01.2026 passed in Crl.M.P.Nos.33 and 42 of 2026 by the learned III Additional District and Sessions Judge, Kurnool at Nandyal.

3. The case of the prosecution, in brief, is that the marriage of Accused No.1 with the wife/Deceased No.1 was solemnized in the year 2019 and they were blessed with a son and a daughter/deceased Nos.2 & 3, of whom the son was suffering from Autism. The prosecution alleges that Accused Nos.1 to 3 used to subject the deceased No.1 to continuous physical and mental harassment, humiliating her in the household and causing mental distress. It is further alleged that after Accused Nos.2 and 3 joined Accused

No.1 during Sankranti, 2026, the harassment intensified and, on 16.01.2026, Accused No.1 assaulted the deceased No.1 with a paint box and a stick when she questioned such treatment. Thereafter, on the morning of 17.01.2026, the deceased No.1 was found hanging from a ceiling fan inside a locked room, while her two minor children ie., deceased Nos.2 & 3 were found dead beside the bed. Alleging that the continuous cruelty and harassment meted out by Accused Nos.1 to 3 drove the deceased No.1 to take the extreme step, the de-facto complainant, who is her brother, lodged a report, on the basis of which Crime No.03 of 2026 was registered for the offences punishable under Sections 85, 108, 118(1), 103(1) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023[1].

4. Heard Sri O. Manohar Reddy, learned Senior Counsel appearing on behalf of Sri Ch.B.R.P. Sekhar, learned counsel for the Petitioner/de-facto complainant, Mr. A. Sai Rohith, learned Assistant Public Prosecutor and Sri Sai Harsha, learned counsel appearing on behalf of Y. Bhanusri Akhila, learned counselfor the Respondents/Accused Nos.1 to 3.

5. Sri O. Manohar Reddy,learned Senior Counsel appearing for the Petitioner/de-facto complainant contends that within a short span of nine days from the date of remand, the learned III Additional District and Sessions Judge, Kurnool at Nandyal enlarged the accused on bail while the investigation was still in progress. It is contended that the learned Sessions

[1] 'the BNS'

Judge failed to appreciate the gravity and seriousness of the allegations and also failed to afford sufficient opportunity to the Investigating Officer to complete the investigation effectively. Hence, it is urged that the bail granted to the Respondents/Accused Nos.1 to 3 be cancelled.

6. Mr. A. Sai Rohith, the learned Assistant Public Prosecutor, while supporting the submissions made on behalf of the Petitioner, contends that the offences alleged are grave in nature and that the accused were enlarged on bail before the investigation could substantially progress. It is submitted that several witnesses were yet to be examined and crucial aspects of the investigation were required to be verified at the time when bail was granted.Therefore, he urges this Court to cancel the bail granted to the Respondents/Accused Nos.1 to 3.

7. *Per contra,*Sri Sai Harsha, learned counsel appearing for the Respondents/Accused Nos.1 to 3, submits that the investigation has already been completed and the Charge sheet has been filed. Therefore, he prays for dismissal of the Criminal Petitions.

8. As seen from the record, the Petitioner is the de-facto complainant in Crime No.03 of 2026 of Nandyal II Town Police Station. The deceased No.1 was the wife of Accused No.1. Accused No.2 is the sister of Accused No.1 and Accused No.3 is the wife of the brother of Accused No.1.

9. Learned Senior Counsel appearing for the Petitioner fairly submits that the Chargesheethas been filed and taken on file as S.C.No.310 of 2026 on the file of the learned IX Additional District and Sessions Judge, Nandyal. It is further submitted that summons have already been issued to the accused. The learned Assistant Public Prosecutor also confirms the same.

10. The accused were remanded to judicial custody on 20.01.2026 and were enlarged on bail on 29.01.2026. Thus, the period of incarceration was only about eight days. It is true that the allegations are grave in nature and relate to a tragic incident involving the death of the wife of Accused No.1 and the deaths of two minor children.

11. The deceased No.1, allegedly unable to bear the harassment and cruelty attributed to the accused, took the extreme step of ending her life. In Hindu Dharma Sastra, self-destruction has traditionally been regarded as a grave moral wrong. The material on record further discloses that, while taking such an extreme step, the deceased No.1 allegedly caused the death of her two minor children, aged about five years and seven months respectively. The incident, if true, is gruesome and diabolic in nature. Whether the deceased had a right to take her own life is altogether a different matter. However, it is beyond dispute that she had no right

whatsoever to take the lives of her two innocent children, one of whom was a milk-sucking infant.

12. Be that as it may, much water has flown under the bridge. After completion of the investigation, the Chargesheet has been filed and the same has been taken on file as S.C.No.310 of 2026 on the file of the learned IX Additional District and Sessions Judge, Nandyal. Summons have also been served on the Respondents/Accused Nos.1 to 3. The learned III Additional District and Sessions Judge, Kurnool at Nandyal granted bail to the accused on 29.01.2026, whereas the Petitioner/de-facto complainant filed the present petitions seeking cancellation of bail on 28.04.2026, nearly three months thereafter. It is well settled that the parameters governing the grant of bail and cancellation of bail are altogether different. While considering an application for grant of bail, factors such as the stage of investigation, veracity of the allegations, and the nature and gravity of the accusations assume significance. However, while considering cancellation of bail already granted by the Trial Court, the Court is required to examine whether any supervening circumstances exist, such as misuse of liberty, tampering with evidence, influencing witnesses, or violation of the conditions imposed while granting bail.

13. In this regard, it is apposite to refer the judgment of the High Court of Delhi in **CGST, Delhi West v. Vishal Goyal**[2]**,** at paragraph No.32, it is held as under:

> *"32. Furthermore, it has been held in various Judgments by the Apex Court and the High Court that once a Bail has been granted, it should not be cancelled in a mechanical manner, without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of Bail during the trial. Bail cannot be cancelled merely on a request of the Complainant or investigating agency unless it is established that it has been misused and is no longer conducive in the interest of justice to allow the accused to remain on Bail."*

14. Accordingly, the High Court of Delhi in **CGST, Delhi West** *supra* held that once the concession of bail has been granted, the same cannot be cancelled in a routine or mechanical manner. The Court observed that cancellation of bail must be founded upon the existence of supervening circumstances demonstrating that the accused has misused the liberty granted, interfered with the administration of justice, or that his continued freedom is no longer conducive to a fair trial. It was further emphasized that a mere request by the complainant or the investigating agency is insufficient for cancellation of bail, unless compelling grounds are established showing that such cancellation is necessary in the interests of justice.

15. Further, in **Bhagwan Singh v. Dilip Kumar**[3]at paragraph No.16, it is held as under:

> *"16. No doubt each case would have unique facts peculiar to its own and the same would hold key for adjudication of bail matters including cancellation thereof. There may be circumstances where interference to or attempt to interfere with the course of administration of justice or evasion or attempt to*

[2]2026 SCC OnLine Del 132
[3](2023) 13 SCC 549

> *evade to due course of justice are abuse of concession granted to the accused in any manner."*

16. Thus, the Hon'ble Apex Court in **Bhagwan Singh** *supra* at paragraph No.16 held that bail adjudication, including cancellation, depends on the unique facts of each case. It observed that interference with or attempts to obstruct the administration of justice, or evasion of due process, amount to abuse of the concession of bail.

17. Likewise, the Hon'ble Apex Court in **Ashok Dhankad v. State (NCT of Delhi)**[4], at paragraph No.19 (i) to (vi) it is held as under:

> *"19. The principles which emerge as a result of the above discussion are as follows:*
> *(i) An appeal against grant of bail cannot be considered to be on the same footing as an application for cancellation of bail;*
> *(ii) The Court concerned must not venture into a threadbare analysis of the evidence adduced by prosecution. The merits of such evidence must not be adjudicated at the stage of bail;*
> *(iii) An order granting bail must reflect application of mind and assessment of the relevant factors for grant of bail that have been elucidated by this Court. [See: Y v. State of Rajasthan (Supra); Jaibunisha v. Meherban9 and Bhagwan Singh v. Dilip Kumar @ Deepu10]*
> *(iv) An appeal against grant of bail may be entertained by a superior Court on grounds such as perversity; illegality; inconsistency with law; relevant factors not been taken into consideration including gravity of the offence and impact of the crime;*
> *(v) However, the Court may not take the conduct of an accused subsequent to the grant bail into consideration while considering an appeal against the grant of such bail. Such grounds must be taken in an application for cancellation of bail; and*
> *(vi) An appeal against grant of bail must not be allowed to be used as a retaliatory measure. Such an appeal must be confined only to the grounds discussed above."*

18. The Hon'ble Apex Court in **Ashok Dhankad***supra* it is observed that an appeal against the grant of bail is distinct from an application seeking cancellation of bail. The Court, while considering bail, should not undertake a detailed examination of the prosecution evidence or decide its merits. An order granting bail must demonstrate due application of mind and consideration of

[4]2025 SCC OnLine SC 1690

relevant factors governing bail. A superior court may interfere with a bail order if it is perverse, illegal, ignores relevant considerations, or is inconsistent with settled legal principles. However, post-bail conduct of the accused is relevant only for cancellation of bail and not for challenging the original grant of bail, and such appeals must not be used as a retaliatory measure.

19. Furthermore, the Hon'ble Apex Court in **State of Karnataka v. Sri Darshan**[5]at paragraph Nos.23.16, 29(10),(15) &33.1, it is held as under:

> *"23.16. The law on cancellation of bail is well settled: interference is warranted only if there are supervening circumstances such as: (i) misuse of liberty by the accused, (ii) attempt to influence witnesses or tamper with evidence, or (iii) the order granting bail is perverse or ignores material facts. Mere disagreement with the High Court's reasoning is insufficient.*
> *29.10. As per Halsbury's Laws of England, the grant of bail does not set the accused at liberty in the absolute sense but merely shifts custody from the State to the sureties. Consequently, cancellation of bail entails an assessment of whether the accused has abused the liberty so conferred.*
> *29.15. Thus, it is clear that while cancellation of bail is a serious matter involving deprivation of personal liberty, the law does permit annulment of a bail order that is unjustified, legally untenable, or passed without due regard to material considerations. The distinction between annulment of bail orders due to perversity and cancellation for post-bail misconduct must be clearly understood and applied, ensuring a careful, calibrated, and constitutionally sound approach to the administration of criminal justice.*
> *33.1. It is a settled principle that at the bail stage, courts are precluded from undertaking a detailed examination of evidence or rendering findings that touch upon the merits of the case. Only a prima facie assessment of the material is warranted. The court cannot conduct a mini-trial or record conclusions that could influence the outcome of the trial."*

20. Similarly, the Hon'ble Apex Court in **State of Karnataka v. Sri Darshan***supra*held that cancellation of bail can be justified only on well-recognized grounds such as misuse of liberty, tampering with evidence, influencing witnesses, or where the grant of bail is perverse and ignores material facts. The Court reiterated that bail does not confer absolute liberty

[5](2026) 8 SCC 223

but merely transfers custody from the State to the sureties. It further clarified that annulment of an unjustified or legally untenable bail order is distinct from cancellation based on post-bail misconduct. The Court emphasized that deprivation of liberty through cancellation of bail requires a careful and constitutionally balanced approach. It was also held that at the stage of bail, courts are confined to a prima facie assessment of the material and cannot undertake a detailed examination of evidence or conduct a mini-trial. Any findings touching upon the merits of the case at the bail stage are impermissible.

21. However, the Hon'ble Apex Court in **Neeru Yadav v. State of U.P.,**[6]at paragraph No.12 it is held as under:

> *"12. We have referred to certain principles to be kept in mind while granting bail, as has been laid down by this Court from time to time. It is well settled in law that cancellation of bail after it is granted because the accused has misconducted himself or of some supervening circumstances warranting such cancellation have occurred is in a different compartment altogether than an order granting bail which is unjustified, illegal and perverse. If in a case, the relevant factors which should have been taken into consideration while dealing with the application for bail have not been taken note of, or bail is founded on irrelevant considerations, indisputably the superior court can set aside the order of such a grant of bail. Such a case belongs to a different category and is in a separate realm. While dealing with a case of second nature, the court does not dwell upon the violation of conditions by the accused or the supervening circumstances that have happened subsequently. It, on the contrary, delves into the justifiability and the soundness of the order passed by the court."*

22. The Hon'ble Apex Court in **Neeru Yadav** *supra*held that cancellation of bail on account of subsequent misconduct or supervening circumstances stands on a different footing from setting aside a bail order that is unjustified,

[6](2014) 16 SCC 508

illegal, or perverse. The Court observed that where relevant factors have been ignored or bail has been granted on irrelevant considerations, a superior court is empowered to interfere with such an order. In such cases, the focus is not on post-bail conduct of the accused but on the legality and propriety of the order granting bail. The superior court is required to examine the justifiability and soundness of the bail order itself. Thus, a perverse or legally unsustainable order granting bail is liable to be annulled notwithstanding the absence of any subsequent misconduct by the accused.

23. Thereafter, the Hon'ble Apex Court in **Dolat Ram v. State of Haryana**[7]at paragraph No.4 it is held as under:

> *"4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted."*

24. The Hon'ble Apex Court in **Dolat Ram***supra* held that rejection of bail at the initial stage and cancellation of bail already granted stand on different footings. The Court observed that cancellation of bail requires very cogent and

[7](1995) 1 SCC 349

overwhelming circumstances, such as interference with the administration of justice, abuse of the concession of bail, or likelihood of absconding. It was further held that bail once granted should not be cancelled in a mechanical manner unless supervening circumstances justify such action. The distinction between considerations for refusal of bail and cancellation of an existing bail order must be carefully maintained.

25. Indeed, the Hon'ble Apex Court in **CBI v. V. Vijay Sai Reddy**[8] at paragraph No.36 it is held as under:

> *"36. Taking note of the fact that cancellation of bail necessarily involves the review of a decision already made, it should always be exercised very sparingly by the court of law."*

26. The Hon'ble Apex Court in **V. Vijay Sai Reddy***supra* held that cancellation of bail amounts to a review of an order already granting personal liberty to the accused. The Court observed that such power must be exercised with great caution and only in exceptional circumstances. Therefore, cancellation of bail is to be resorted to sparingly and not as a matter of routine.

27. Subsequently, the Hon'ble Apex Court in **Mahipal v. Rajesh Kumar**[9] at paragraph No.16 it is held as under:

> *"16. The considerations that guide the power of an appellate court in assessing the correctness of an order granting bail stand on a different footing from an assessment of an application for the cancellation of bail. The correctness of an order granting bail is tested on the anvil of whether there was an improper or arbitrary exercise of the discretion in the grant of bail. The test is whether the order granting bail is perverse, illegal or unjustified. On the other hand, an application for cancellation of bail is generally examined on the anvil of the existence of supervening circumstances or violations of the conditions of bail by a person to whom bail has been granted."*

[8](2013) 7 SCC 452
[9](2020) 2 SCC 118

28. Hence, the Hon'ble Apex Court in **Mahipal***supra* held that the parameters governing appellate scrutiny of an order granting bail are distinct from those applicable to cancellation of bail. The Court observed that a bail order may be interfered with if it is perverse, illegal, unjustified, or passed through arbitrary exercise of discretion. In contrast, cancellation of bail ordinarily requires the existence of supervening circumstances or violation of the conditions of bail by the accused.

29. Ergo, the Hon'ble Apex Court in **Deepak Yadav v. State of U.P**[10]**.,**at paragraph No.33 it is held as under:

> *"33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:*
> *33.1. Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.*
> *33.2. Where the court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.*
> *33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.*
> *33.4. Where bail has been granted on untenable grounds.*
> *33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.*
> *33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.*
> *33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case."*

30. Hence, the Hon'ble Apex Court in **Deepak Yadav***supra* held that cancellation of bail is not confined solely to cases involving supervening

[10](2022) 8 SCC 559

circumstances and may also be warranted where the order granting bail is legally unsustainable. The Court observed that bail can be cancelled when relevant material is ignored, irrelevant considerations are relied upon, the accused's criminal antecedents or influential position are overlooked, or the order is whimsical, capricious, perverse, or based on untenable grounds. It was further held that where the grant of bail causes prejudice to the administration of justice or is unjustified considering the gravity of the offence, the superior courts are empowered to interfere and cancel such bail.

31. Having regard to the facts and circumstances of the case, no grounds are made out to interfere with the orders granting bail to Respondents/Accused Nos.1 to 3. Nevertheless, certain stringent conditions are required to be imposed upon the Respondents/Accused Nos.1 to 3 so as to enable the learned Trial Court to effectively conduct the trial and dispose of the Sessions Case in accordance with law.

32. Accordingly, these Criminal Petitions are disposed of, holding that no interference is warranted with the orders dated 29.01.2026 passed in Crl.M.P.Nos.33 and 42 of 2026 by the learned III Additional District and Sessions Judge, Kurnool at Nandyal. However, the Respondents/Accused Nos.1 to 3 shall make themselves available before the Trial Court on every

date of hearing without fail, 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 before the Court, shall furnish their permanent and temporary residential addresses to the Investigating Officer/Station House Officer concerned, and shall not leave the jurisdiction of the learned Trial Court without obtaining prior permission from the said Court. Violation of any of the above conditions shall entail appropriate action in accordance with law.

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DR. Y. LAKSHMANA RAO, J

Date: 10.11.2026
PRA

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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