APHC010444242026

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

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7387/2026

Between:

1. SRI KOPPALA MADHU SUDAN, A5S/O AYYAVARU, AGED 39 YEARS, CULTIVATION NASANTHAPURAM VILLAGE, KAMALAPURAM MANDAL, KADAPA DISTRICT
2. SRI KOPPALA JANARDHANA, A6S/O AYYAVARU, AGED ABOUT 38 YEARS. CULTIVATION NASANTHAPURAM VILLAGE, KAMALAPURAM MANDAL, KADAPA DISTRICT
3. SRI KULLU SAMBAIAH, A7,S/O LATE CHINNA ESHWARAIAH,AGED ABOUT 57 YEARS. CULTIVATION,NASANTHAPURAM VILLAGE, KAMALAPURAM MANDAL, KADAPA DISTRICT
4. VELPULA JYOTHI, A8W/O SURESH BABU, AGED ABOUT 32 YEARS. CULTIVATION,NASANTHAPURAM VILLAGE, KAMALAPURAM MANDAL, KADAPA DISTRICT

...PETITIONER/ACCUSED Nos.5 to 8

AND

1. THE STATE OF ANDHRA PRADESH, REPTD BY ITS PUBLIC PROSECUTOR AP HIGH COURT AMARAVATHYS.H.O. KAMALAPURAM POLICE STATION, KAMALAPURAM
2. GUJJULA MANOJ KUMAR, SON OF CHINNASUBBAIAH, AGED

ABOUT 30 YEARS, R/O. NASANTHAPURAM VILLAGE, KAMALAPURAM MANDALAM, KADAPA DISTRICT. RESPONDENT NO.2 IS IMPLEADED AS PER THE COURT ORDER DATED 21.09.2026 IN I.A.NO.1 OF 2026 IN CRL.P.NO.7387 OF 2026.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. S S BHATT

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR
2. M RAVIKANTH REDDY

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 Petitioners/Accused Nos.5 to 8, for granting of pre-arrest bail in connection with Crime No.59 of 2026 of Kamalapuram Police Station, Kadapa District, registered for the alleged offences punishable under Sections 118(1), 79 and 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

2. The prosecution case, in brief, is that the incident occurred on 30.06.2026 at about 4.00 P.M. at the agricultural lands of the de-facto complainant, situated at Nasanthapuram Village, Kamalapuram Mandal, and was reported to the Kamalapuram Police on 01.07.2026 at about 9.30 P.M.

The de-facto complainant stated that his family had been permitting tractors and bullock carts of other farmers to pass through the temporary mud road in their agricultural land, but did not permit laying of a permanent road. On the said date, Accused No.1 along with Accused Nos.2 to 8 allegedly attempted to lay a road over the said mud road by dumping mud. When the complainant, his parents and other family members questioned the accused, they allegedly picked up a quarrel, attacked them with stones and threatened them with dire consequences. In the said attack, the complainant and his brother sustained bleeding injuries on their heads, while his parents sustained swelling injuries, and the accused allegedly outraged the modesty of the complainant's mother. The injured were thereafter shifted to RIMS Hospital, Kadapa, for better treatment. Basing on the complaint, the Kamalapuram Police registered a case in Cr.No.59 of 2026 for the offences punishable under Sections 118(1), 79 and 351(2) read with Section 3(5) of ‘the BNS’.

3. Sri S.S.Bhatt, learned Counsel for the Petitioners, submits that the Petitioners are innocent and have been falsely implicated in the present case arising out of a dispute relating to laying of a road through the agricultural lands. It is submitted that there is a rastha dispute between the accused and the de-facto complainant and that there are case and counter cases filed by both the parties. Accused No.3 in the instant case also filed a complaint,

which was registered as a case in Crime No.60 of 2026 of Kamalapuram Police Station, YSR Kadapa District. It is further submitted that there are no specific overt acts attributed against the Petitioners and the allegations against them are omnibus in nature. The incident allegedly occurred on 30.06.2026, whereas the complaint was lodged only on 01.07.2026 at about 9.30 P.M., after considerable delay. The injuries alleged to have been sustained by the complainant and his family members are simple in nature and the dispute is essentially civil in character.

4. The learned Counsel for the Petitioners further submits that the investigation is completed, as per the communication ensued between the Sub-Inspector of Police and the learned Assistant Public Prosecutor concerned. It is submitted that there is no possibility of the Petitioners tampering with the prosecution witnesses or fleeing from justice. The Petitioners undertake to strictly adhere to any conditions that may be imposed by this Court while granting pre-arrest bail. Hence, it is urged to allow the Criminal Petition.

5. *Per contra*, Mr.A.Sai Rohith, learned Assistant Public Prosecutor opposes the petition, submitting that the allegations against the Petitioners are specific and serious in nature, and they are directly involved in the commission of the alleged offences. It is submitted that the Petitioners, along

with the other accused, formed an unlawful group and attacked the complainant and his family members with stones, causing injuries to them. It is submitted that the accused also threatened the complainant and his family members with dire consequences and outraged the modesty of the complainant's mother. It is further submitted that the delay in lodging the complaint is properly explained and cannot be a ground for granting bail at this stage. He further submits that the investigation is still in progress and the possibility of the Petitioners influencing the witnesses or repeating similar acts cannot be ruled out. The offences alleged against the Petitioners are serious in nature and the material collected during investigation *prima facie* establishes their involvement. Hence, it is urged to dismiss the Criminal Petition.

6. Mr. M. Ravikanth Reddy, learned legal aid counsel for the Respondent No.2 also opposes the petition, submits that the allegations made against the Petitioners are specific and serious in nature and that they actively participated in the alleged incident. It is submitted that the Petitioners, along with the other accused, attacked the complainant and his family members with stones, causing injuries, and also threatened them with dire consequences. It is further submitted that the delay in lodging the complaint is properly explained and that the Petitioners, if enlarged on pre-arrest bail, may influence

the injured witnesses and cause prejudice to the prosecution case and urged to dismiss the Criminal Petition.

7. Heard the learned counsel for the Petitioners, the learned Assistant Public Prosecutor and the learned legal aid counsel for the Respondent No.2.

8. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

9. Now the point for consideration is:

> *"Whether the Petitioners/Accused Nos.5 to 8 are entitled for grant of pre-arrest bail?"*

10. As seen from the record, Accused Nos.1 to 4 were arrested, whereas the Petitioners/Accused Nos.5 to 8 are not yet arrested as they have been absconding. It is alleged that the Petitioners/Accused Nos.5 and 6 beat the victim with a stone, resulting in the victim/LW.2 sustaining grievous injuries, while LW.s 1 and 3 sustained simple injuries. Similarly, there are specific overt acts attributed to Accused Nos.7 and 8 also. Initially, the case was registered for the offence punishable under Section 118(1) of 'the BNS'. Subsequently, upon receipt of the wound certificate of the LW.2, the section of law was altered from Section 118(1) of 'the BNS' to Section 118(2) of 'the BNS'. It is also pertinent to note that a counter-case was registered as Crime No.60 of 2026 of Kamalapuram Police Station, YSR Kadapa District, on the complaint

lodged by Accused No.3 against the de-facto complainant, wherein the victims are stated to have sustained simple injuries. The learned Assistant Public Prosecutor submits that the Petitioners have been absconding.

11. A learned Single Judge of this Court, in Crl.P.No.6125 of 2026, *vide* order dated 04.08.2026, in a petition filed seeking quashment of the proceedings in Crime No.59 of 2026, directed the Investigating Officer to follow the procedure under Section 35(3) of 'the BNSS'. However, in the course of investigation, as stated *supra*, the Investigating Officer altered the section of law by adding Section 118(2) of the BNS, as LW.2 had sustained grievous injuries. Therefore, the Investigating Officer could not comply with the said direction. The alleged offence is punishable with imprisonment exceeding seven years. There are specific overt acts are attributed against the Petitioners by the de-facto complainant.

12. The grant of pre-arrest bail to the Petitioners is neither a license for commission of serious offence nor a shield or protection for having committed grave offences, as per the decisions of the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Punjab**[1] and **Sushila Aggarwal v. State (NCT of Delhi)** [2] **.** The remedy of pre-arrest bail, being an extraordinary and discretionary relief, cannot be granted to the Petitioners against whom specific

[1] (1980) 2 SCC 565
[2] (2020) 5 SCC 1

overt acts are attributed. Therefore, the request for grant of pre-arrest bail to the Petitioners/Accused Nos.5 to 8, at this juncture, does not appear to be convincing or reasonable. There are no merits in the petition. Hence, the Criminal Petition is devoid of merit and is liable to be dismissed.

13. In the result, the Criminal Petition is dismissed.

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

DR. Y. LAKSHMANA RAO, J

Date: 07.10.2026
PRA

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7387 of 2026

07.10.2026

PRA