APHC010452052026

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

WEDNESDAY, THE 11th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7517/2026

Between:

1. KALAVALA VENKATESWARA RAO, S/O. LATE LINGAYYA,AGED ABOUT 55 YEARS, OCC CIVIL CONTRACT WORKS,S.KOTA VILLAGE, VIZIANAGARAM DISTRICT

...PETITIONER/ACCUSED

AND

1. THE STATION HOUSE OFFICER, PENDURTHI POLICE STATION, VISAKHAPATNAM REP. BY PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH.STATE OF ANDHRA PRADESH.
2. THE MOTHER OF VICTIM, THE MOTHER OF VICTIM

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. VENKATA NARAYANA RAO VEDULA

Counsel for the Respondent/complainant(S):

1. ARRABOLU SAI NAVEEN
2. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused on bail in S.C.No.41 of 2026 on the file of the learned Special Judge for Trial of Cases under POCSO Act, Visakhapatnam, arising out of Crime No.152 of 2026 of PendurthiPolice Station, Visakhapatnam District, registered for theallegedoffences punishable under Sections 103(1), 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS') and Sections 5(j)(iv)(1) read with 6 of the Protection of Children from Sexual Offences Act, 2012 (for brevity, 'the POCSO Act').

2. The prosecution case, in brief, is that the de-facto complainant, Tota Rodhi, alleged that the Petitioner/Accused, who had been acquainted with her family for about seven years, gained their confidence and facilitated the admission of her minor daughter, Tota Jayanthi, aged about 17 years, into a vocational junior college at S.Kota Village. Taking advantage of the trust reposed in him, the Petitioner allegedly subjected the victim to repeated sexual exploitation at various locations, including his residences at S.Kota and Sujatha Nagar, Pendurthi.In the course of investigation, it was revealed that the Petitioner exercised continuous influence and control over the victim and committed sexual assaults at multiple places. It is further alleged that during the intervening night of 23/24.03.2026, at his house situated at NAD Vuda Layout, Sujatha Nagar, Pendurthi, he intentionally caused the death of the victim by forcibly pressing her nose and mouth. The said house is treated as

the primary scene of offence relating to the murder, while the other locations constitute secondary scenes connected with the alleged sexual assaults.The investigation led to the seizure of material evidence, including blood-stained articles, CCTV footage and witness statements. Thereafter, the Petitioner allegedly transported the dead body to Hiramandalamin an attempt to screen the offence and mislead the investigation. Based on the complaint lodged by the de-facto complainant, the case was registered and the Petitioner was arrested and remanded to judicial custody on 01.04.2026.

3. Sri C.Nageswara Rao, learned Senior Counsel appearing for Mr.Venkata Narayana Rao Vedula, learned counsel for the Petitioner, contends that the victim died due to smothering and that the post-mortem examination does not disclose any evidence of sexual assault. It is submitted that the Petitioner has been falsely implicated and that the prosecution case rests entirely on circumstantial evidence, there being no direct eyewitness connecting him with the alleged offences.It is further submitted that the investigation has been completed, the chargesheet has also been filed and the case has been numbered as S.C.No.41 of 2026. The Petitioner was granted interim bail on two occasions and strictly complied with all the conditions imposed by the learned Trial Court. During the said period, no allegation was made regarding misuse of liberty, witness intimidation or tampering with evidence.

4. Learned Senior Counsel further submits that there is no likelihood of the Petitioner absconding or interfering with the prosecution case, as all material

evidence has already been collected and forms part of the chargesheet. It is contended that the prosecution relies upon circumstantial evidence and an alleged extra-judicial confession, the evidentiary value of which can be tested only during trial.It is also submitted that continued incarceration would adversely affect the Petitioner's ability to effectively consult his counsel and prepare his defence. The Petitioner is a permanent resident having roots in society and undertakes to co-operate with the trial and abide by any conditions that may be imposed by this Court. Therefore, it is urged that the Petitioner be enlarged on regular bail pending trial.

5. *Per contra,* Mr. A.Sai Rohith, learned Assistant Public Prosecutor opposed the grant of bail to the Petitioner,contending that the allegations against the Petitioner are grave and heinous in nature, involving repeated sexual assault upon a minor girl and her subsequent murder. It is submitted that the Petitioner abused the confidence reposed in him by the victim's family and subjected the victim to sexual exploitation over a considerable period.According to the prosecution, the investigation has collected substantial incriminating material, including witness statements, scientific evidence, CCTV footage and recovery proceedings, which *prima facie* establish the involvement of the Petitioner in the commission of the offences alleged.

6. Learned Assistant Public Prosecutor further submits that the circumstances collected during investigation, including the alleged extra-judicial confession and recovery proceedings, form a complete chain pointing towards the guilt of the Petitioner. Several material witnesses are yet to be

examined and there exists a reasonable apprehension that, if released on bail, the Petitioner may influence or intimidate such witnesses.It is contended that mere completion of investigation and filing of the chargesheet do not entitle an accused to bail, particularly having regard to the seriousness of the offences alleged and the severity of the punishment prescribed. Hence, it is urged to dismiss the Criminal Petition.

7. Mr. A.Sai Naveen, learned Legal Aid Counsel for the Respondent No.2, adopted the submissions advanced by the learned Assistant Public Prosecutor and opposed the grant of bail. It is submitted that the allegations disclose grave offences involving aggravated penetrative sexual assault upon a minor girl and her homicidal death. The material collected during investigation *prima facie* establishes the Petitioner's involvement in the offences alleged. It is further submitted that material witnesses remain to be examined and, therefore, the possibility of influencing or intimidating witnesses cannot be ruled out.Hence, it is urged to dismiss the Criminal Petition.

8. Heard learned counsel for the Petitioner, learned Assistant Public Prosecutor and learned Legal Aid counsel for the Respondent No.2. Perused the record.

9. Thoughtful consideration has been bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

10. Now, the point for consideration is:

"Whether the Petitioner/Accused is entitled for grant of bail?"

11. As seen from the record, the victim was aged about 17 years and 1 month as on the date of the alleged offences and, therefore, the provisions of ‘the POCSO Act’ are squarely attracted to the case on hand. The Petitioner was arrested on 31.03.2026 and has been in judicial custody for about 225 days. The Petitioner was enlarged on interim bail on two occasions. The learned Special Judge for Trial of Offences under the POCSO Act, Visakhapatnam, by order dated 19.06.2026 in Crl.M.P.No.171 of 2026, granted interim bail to the Petitioner for the period from 22.06.2026 to 28.06.2026. Subsequently, by order dated 07.08.2026 passed in Crl.M.P.Bail.No.7 of 2026 (Crl.M.P.No.195 of 2026), the learned Special Judge again granted interim bail to the Petitioner for the period from 10.08.2026 to 07.09.2026.

12. The record reveals that the prosecution allegations relate to repeated acts of penetrative sexual assault upon the victim. Upon perusal of the chargesheet material, this Court finds that there exists *prima facie* material supporting the accusations against the Petitioner. The prosecution has also relied upon CCTV footage allegedly showing that the Petitioner had taken the victim in his vehicle shortly before the occurrence.

13. The prosecution material further alleges that the Petitioner developed close associations with vulnerable women and young girls under the guise of extending educational and financial assistance. According to the prosecution, he gained the confidence of the families concerned, arranged educational

facilities for young girls and thereafter exploited such trust for his personal motives.

14. The record further discloses that the Petitioner has filed six bail applications before the learned Trial Court. The prosecution contends that the trial has been delayed on one ground or another at the behest of the Petitioner. It is also submitted by the learned Assistant Public Prosecutor and the learned Legal Aid Counsel for Respondent No.2 that attempts were made to pressurise the parents of the deceased to compromise the matter.

15. Though the Petitioner has contended that he has remained in custody for a considerable period and that the trial has not yet concluded, such circumstances, by themselves, do not constitute grounds for grant of bail in a case of this nature. Merely because the Petitioner continues in judicial custody, it cannot be said that his right to a fair trial stands impaired, particularly when he is represented by learned counsel before the learned Trial Court.

16. The learned Assistant Public Prosecutor relied upon the judgment of the Hon'ble Apex Court in **X4 v. State of Rajasthan**[1] at paragraph No.16, it is held as under:

> *"16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on*

[1] 2024 SCC OnLine SC 3539

> *the ground that right of the accused to have a speedy trial has been infringed."*

17. In **X4** *supra*, at paragraph No.16, the Hon'ble Supreme Court held that once the trial has commenced, it should ordinarily be allowed to proceed to its logical conclusion and that Courts should be slow in granting bail by undertaking an assessment of the testimony of witnesses during the pendency of the trial. It was also held that release on bail on the ground of delay may be justified only where the trial is unduly prolonged for no fault attributable to the accused and the right to speedy trial stands infringed.

18. In the present case, the prosecution has already taken steps for expeditious disposal of the matter. Further, it is brought to the notice of this Court that the earlier trial schedule could not be adhered to on account of proceedings initiated at the behest of the Petitioner. Therefore, at this stage, the Petitioner cannot successfully invoke the ground of delay in trial for seeking bail.

19. The learned legal aid counsel for the Respondent No.2 relied upon the judgment of the Hon'ble Apex Court in **Ram Govind Upadhyay v. Sudarshan Singh**[2] at paragraph Nos.3, 4(a) & 9, it is held as under:

> *"3. Grant of bail though being a discretionary order but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for Bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the Court and facts however do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic consideration for the grant of bail more heinous is a crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.*

[2] 2002 SCC(Cri) 688

> *4. Apart from the above, certain other which may be attributed to be relevant considerations may also be noticed at this juncture though however, the same are only illustrative and nor exhaustive neither there can be any. The considerations being:*
> *(a) While granting bail the Court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails a conviction and the nature of evidence in support of the accusations.*
> *9. Undoubtedly, considerations applicable to the grant of bail and considerations for cancellation of such an order of bail are independent and do not overlap each other, but in the event of non- consideration of considerations relevant for the purpose of grant of bail and in the event an earlier order of rejection available on the records, it is a duty incumbent on to the High Court to explicitly state the reasons as to why the sudden departure in the order of grant as against the rejection just about a month ago. The subsequent FIR is on record and incorporated therein are the charges under Sections 323 and 504 IPC in which the charge-sheet have already been issued the Court ought to take note of the facts on record rather than ignoring it. In any event, the discretion to be used shall always have to be strictly in accordance with law and not de-hors the same. The High Court thought it fit not to record any reason far less any cogent reason as to why there should be a departure when in fact such a petition was dismissed earlier not very long ago. The consideration of the period of one year spent in jail cannot in our view be a relevant consideration in the matter of grant of bail more so by reason of the fact that the offence charged is that of murder under Section 302 having the punishment of death or life imprisonment it is a heinous crime against the society and as such the Court ought to be rather circumspect and cautious in its approach in a matter which stands out to be a social crime of very serious nature."*

20. In **Ram Govind Upadhyay** *supra*, the Hon'ble Supreme Court held that grant of bail is a discretionary relief to be exercised judiciously and not as a matter of course. It was further held that the nature and gravity of the offence, the severity of punishment, and the nature of evidence supporting the accusations are important considerations while deciding a bail application and that mere period of incarceration by itself may not constitute a sufficient ground for grant of bail in cases involving heinous offences.

21. The learned legal aid counsel for the Respondent No.2 also relied upon the judgment to the Hon'ble Apex Court in**Prahlad Singh Bhati v. N.C.T., Delhi**[3]at paragraph Nos.8 & 11 it is held as under:

> *"8. The jurisdiction to grant bail has to be exercised on the basis of well settled principles having regard to the circumstances of each case and*

[3] 2001 4 SCC 280

> *not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the Legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not excepted , at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.*
>
> *11. While allowing this appeal and setting aside the orders impugned we permit the respondent-accused to apply for regular bail in the trial court. If any such application is filed, the same shall be disposed of on its merits keeping in view the position of law and the observations made hereinabove. We would reiterate that in cases where the offence is punishable with death or imprisonment for life which is triable exclusively by a court of Sessions, the Magistrate may, in his wisdom, refrain to exercise the powers of granting the bail and refer the accused to approach the higher courts unless he is fully satisfied that there is no reasonable ground for believing that the accused has been guilty of an offence punishable with death or imprisonment for life."*

22. Thus, in **Prahlad Singh Bhati** *supra,* the Hon'ble Supreme Court held that while considering an application for bail, the Court is required to keep in view the nature of accusations, the nature of evidence supporting the allegations, the severity of punishment in the event of conviction, the reasonable possibility of securing the presence of the accused during trial, the likelihood of witness intimidation or tampering, and the larger interests of society. The Hon'ble Supreme Court further observed that at the stage of consideration of bail, the Court is only required to examine whether a prima facie case exists and not whether the prosecution has established the guilt of the accused beyond reasonable doubt.

23. The learned legal aid counsel for the Respondent No.2 further relied upon the judgment of a learned Single Judge of this Court in **Maternal Grandmother of Victimv. State of A.P**.,[4]at paragraph Nos.10(a), (d), (e), 18, 19 & 26, it is held as under:

> *"10. It is a settled law vide a catena of decisions from the Hon'ble Supreme Court and this Court that the following illustrative list of principles are to be taken into consideration while considering an application for bail:*
> *a. the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution;*
> *b. reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses;*
> *c. reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence;*
> *d. character, behaviour and standing of the accused and the circumstances which are peculiar to the accused;*
> *e. larger interest of the public or the State and similar other considerations.*
> *18. In Ram Govind Upadhyay v. Sudarshan Singh[5], the Hon'ble Supreme Court held that the nature of the offence is one of the basic considerations for the grant of bail is that more heinous is a crime, the greater is the chance of rejection of the bail. Whereas, in the instant case, the allegations pertain to grave offences under the provisions of the POCSO Act involving a minor girl aged about 16 years, who is admittedly suffering from Autism. The material on record further discloses that the victim is an extremely vulnerable child, whose mother died long back and who is presently under the care and protection of her grandmother, the de facto complainant. The accusation against the accused is not of a trivial nature, but of a serious sexual offence committed against a child with mental disability, attracting stringent punishment under the POCSO Act. Therefore, the gravity of the offence assumes greater significance while considering the propriety of grant of bail. In such circumstances, the impugned order granting bail to the Accused, without properly appreciating the gravity of the offence and the vulnerable condition of the victim, is liable for interference of this Court.*
> *19. In Ash Mohammad v. Shiv Raj Singh @ Lalla Bahu &Anr[6], the Hon'ble Supreme Court emphasized that in serious offences, Courts are required to adopt a higher degree of caution and sensitivity while granting bail, keeping in mind the societal impact of the crime.*
> *26. A Two-Judge Bench of the Hon'ble Supreme Court in a recent judgment in X v. State of Uttar Pradesh and another[7], while cancelling the bail granted by the High Court in POCSO case, categorically held as follows:*
> *12. It is settled law that the mere filing of a chargesheet does not, by itself, preclude consideration of an application for bail. However, while assessing such an application, the Court is dutybound to have due regard to the nature and gravity of the offence and the material*

[4] Crl.P.No.3825 of 2026, dated 08.05.2026
[5](2002) 3 SCC 598
[6](2012) 9 SCC 446
[7]2026 SCC OnLine SC 43

> *collected during investigation. The offences alleged in the present case are heinous and grave involving repeated penetrative sexual assault upon a minor victim committed under armed intimidation and accompanied by recording of the acts for the purpose of blackmail. Such conduct has a devastating impact on the life of the victim and shakes the collective conscience of society."*

24. In **Maternal Grandmother of Victim v. State of A.P** *supra,* this Court reiterated the settled principles governing grant of bail and held that the nature and gravity of the offence, the vulnerability of the victim, the possibility of witness intimidation, and the larger interests of society are relevant considerations while dealing with offences under the provisions of the POCSO Act. In X v. State of Uttar Pradesh and another (supra), the Hon'ble Supreme Court held that while considering bail in cases involving grave offences under the POCSO Act, due regard must be had to the nature of allegations and the material collected during investigation and that such offences have a serious impact upon the victim as well as society at large.

25. Having regard to the nature and gravity of the allegations levelled against the Petitioner, the material collected during investigation, the existence of *prima facie* evidence supporting the accusations, the severity of punishment prescribed for the offences alleged, the stage of the trial, and the principles laid down in the decisions referred to above, this Court is of the considered opinion that the Petitioner has failed to make out any special circumstance warranting grant of regular bail at this stage. This Court is also not inclined to accept the plea of prolonged incarceration as a ground for bail, particularly when the prosecution has already taken steps for expeditious disposal of the case and the delay in trial cannot presently be attributed solely to the prosecution. Further, several material witnesses are yet to be examined, and

this Court is not inclined to rule out the possibility of the prosecution witnesses being influenced if the Petitioner is enlarged on bail at this stage. Accordingly, this Court finds no merit in the present Criminal Petition.

26. 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: 11.11.2026
PRA

HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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PRA