APHC010458872026

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

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7654/2026

Between:

1. UNNAM SUNEETHA, W/O. LATE MOHAN RAO BUSHI,OCC DAILY WAGE LABOURER, AGED ABOUT 40 YEARS,R/O. DOOR NO. 17-56, KOLAKALURU VILLAGE, TENALI MANDAL,GUNTUR DISTRICT.PIN522307
2. UNNAM NAGESWARA RAO, S/O. LATE MOHAN RAO BUSHI OCC AUTO DRIVER,AGED ABOUT 22 YEARS,R/O. DOOR NO. 17-56, KOLAKALURU VILLAGETENALI MANDAL, GUNTUR DISTRICT, PIN 522307

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH,AMARAVATHI.
2. VICTIM GIRL, VICTIM GIRL , BEING MINOR REP BY HER FATHER AND NATUARAL GUARDIAN

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. S SATYANARAYANA MOORTHY
2. Satyanarayana Moorthy

Counsel for the Respondent/complainant(S):

1. KONDETI RANGA SRINIVAS
2. PUBLIC PROSECUTOR

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.2 and 3, for grant of pre-arrest bail in connection with Crime No.128 of 2026 of Tenali Rural Police Station, Guntur District, registered for the alleged offences punishable under Sections 64(2)(m), 65(1), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS'), Sections 6 read with 5(I), 17 of the Protection of Children from Sexual Offences Act, 2012 (for brevity 'POCSO Act').

2. As Petitioner No.2/Accused No.3 was arrested after the filing of the petition seeking pre-arrest bail, this Court, *vide* order dated 23.09.2026, dismissed the Criminal Petition, insofar as Petitioner No.2/Accused No.3 is concerned, as infructuous.

3. Mr.S.S.N.Moorthy, the learned counsel for the petitioner, submits that the petitioner was falsely implicated in this case and that she has not committed any offence. She is the mother of Accused No.1, who has already been enlarged on bail by the learned Trial Court. The petitioner is law-abiding citizen. The petitioner undertakes to strictly adhere to any conditions that may be imposed by this Court. In light of the foregoing submissions, the learned counsel prays that the present petition be allowed in the interest of justice.

4. *Per contra*, Mr.A.Sai Rohith, the learned Assistant Public Prosecutor, and Mr.K.Ranga Srinivas, learned Legal Aid Counsel appearing for respondent No.2, vehemently opposed the grant of pre-arrest bail to the

petitioner, contending that there are specific accusations levelled against the petitioner. The petitioner acted in concert with the other accused in commission of the alleged offence against the victim, who is aged about 14 years, and she got pregnancy and it was aborted. The health condition of the victim is in peril. Investigation is not yet completed. Accusations against the petitioner are well-founded. Hence, it is urged that the petition be dismissed, as the petitioner is not entitled for discretionary relief, in view of the specific overt acts attributed against her.

5. Heard the learned counsel for the petitioner, the learned Assistant Public Prosecutor, and the Mr.Ranga Srinivas, learned Legal Aid Counsel appearing for respondent No.2. Perused the record.

6. As seen from the record, the learned Special Judge for Trial of Offences under the Protection of Children from Sexual Offences Act, Tenali, enlarged Accused No.1, who is aged about 19 years, on default bail. As per the averments in the complaint, the petitioner also committed offence under Section 17 of POCSO Act and Section 351(2) of the BNSS. There are specific overt acts attributed against the petitioner. Granting of pre-arrest bail is neither a licence nor permission or passport to commit crime, as per the judgments of the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Punjab**[1]and **Sushila Aggarwal v. State of (NCT of Delhi)**[2].The discretionary relief of granting Anticipatory Bail cannot be granted to the petitioner, inasmuch as the

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

specific overt acts attributed against the petitioner under the provisions of POCSO Act, and this Court is not inclined to grant pre-arrest bail to the petitioner by exercising its discretionary jurisdiction. Therefore, this Court finds no merit in the Criminal Petition, and the same is liable to be dismissed.

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

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DR. Y. LAKSHMANA RAO, J

Date: 13.10.2026
BMS