APHC010471602026

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

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7919/2026

Between:

1. MASANA ALIAS TADIBOYINA ALIAS RAJYA LAKSHMI, W/O. MASANA KOTESWARA RAO,AGED 28 YEARS, OCC. HOME MAKER,R/O. CHERUVU KATTA, REDDYPALEM VILLAGE,GUNTUR RURAL MANDAL, GUNTUR DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH THE SHO,NALLAPADU POLICE STATION, GUNTUR DISTRICT,REP. BY THE PUBLIC PROSECUTOR,HIGH COURT OF A.P., AT AMARAVATI.
2. PATHALAVATH VASANTHI BAI, D/O. SRINIVASA NAIK,AGED 28 YEARS, OCC. PRIVATE EMPLOYEE,R/O. 29 LINE, SARADA COLONY,GUNTUR TOWN.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. RAMESH BABU NELATURI

Counsel for the Respondent/complainant(S):

1. ARRABOLU SAI NAVEEN
2. PUBLIC PROSECUTOR
3. LEGAL AID

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioner/Accused No.2 for granting of pre-arrest bail in connection with Crime No.831 of 2026 of Nallapadu Police Station, Guntur District, was registered for the alleged offence punishable under Sections 109(1) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity, 'the BNS') and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the SCs & STs (POA) Act.,').

2. Sri N. Ramesh Babu, the learned counsel for the Petitioner, submits that the Petitioner is the innocent of the alleged offence. He is a law-abiding citizen. He has not committed any offence. He is the sole breadwinner of the family. The Petitioner undertakes to strictly adhere to any conditions that may be imposed by this Court. In light of the foregoing submissions, learned counsel prays that the present petition be allowed in the interest of justice.

3. *Per contra*, Mr.A.Sai Rohith, the learned Assistant Public Prosecutor, vehemently opposed the grant of pre-arrest bail to the Petitioner, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the Petitioner is released on pre-arrest bail, there is a strong likelihood that he may abscond, thereby hampering the ongoing investigation and evading the process of law. Hence, it is urged that the petition be dismissed.

4. Heard the learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

5. On perusal of the record, it appears that the Respondent No.2/victim/de-facto complainant was hospitalized for five days allegedly due to the pouring of chloroguard pesticide into her mouth. Accused No.1 has already been arrested. So far, five witnesses have been examined. There are specific overt acts attributed to the Petitioner. The learned Counsel for the Petitioner submits that the Petitioner has two minor children aged about seven and three years, respectively. However, this circumstance will not outweigh the gravity of the case and the alleged role played by the Petitioner.

6. Section 18 of 'the SCs & STs (POA) Act.,' provides that nothing in Section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under the Act. A Division Bench of this Court in **Vidadala Rajani v. State of Andhra Pradesh**[1], while answering the reference, held that if a *prima facie* case is not made out, an application for grant of pre-arrest bail is maintainable under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C.'), before the High Court in respect of the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

7. In view of the specific overt acts attributed against the Petitioner, this Court is not inclined to grant pre-arrest bail to the Petitioner, as it would amount to giving a shield, or protection or license to the Petitioner against

[1] Crl.P.Nos.1461 of 2025 & batch vide order dated 19.09.2025

whom specific allegations have been made, as per the judgments of the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Punjab**[2] and **Sushila Aggarwal v. State (NCT of Delhi)**[3].

8. Having regard to the facts and circumstances of the case, the nature and gravity of the allegations, and the material available on record, this Court is not inclined to grant pre-arrest bail to the Petitioner/Accused No.2. Accordingly, this Court finds no merit in the Criminal Petition, and the same is liable to be dismissed.

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

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

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DR. Y. LAKSHMANA RAO, J

Date: 12.10.2026
KMS

[2] (1980) 2 SCC 565
[3] (2020) 5 SCC 1

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7919 of 2026

Date: 12.10.2026
KMS