APHC010473332026

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

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 7951/2026

Between:

1. LOKESH REDDY ALIAS IRALA LOKESH, S/O. I RAVI KUMAR,AGED ABOUT 35 YEARS, OCC POLITICIAN,R/O. H.NO.3-21, BHATTU KANDRIGA,PEDDAKALVA VILLAGE,GANGADHARA NELLORE MANDAL, CHITTOOR DISTRICT - 517125

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, S.V.U CAMPUS URBAN POLICE STATION, TIRUPATI REP BY ITS PUBLIC PROSECUTOR, HIGH COURTOF ANDHRA PRADESH, AT AMARAVATHI.
2. G SUBRAMANYAM, S/O. G. CHANDRAIAH, AGED. 44 YEARS, R/O. DOOR NO.1-196/2, KENNEDY NAGAR, TIRUPATI, TIRUPATHI DISTRICT. (CRIME NO.99 OF 2026 OF S.V.U.CAMPUS UPS POLICE STATION, TIRUPATHI DISTRICT). RESPONDENT NO.2 IS IMPLEADED AS PER THE COURT ORDER DATED 23.09.2026 IN CRL.P.NO.7951 OF 2026.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. VAJJA CHETHAN KUMAR REDDY

Counsel for the Respondent/complainant(S):

1.
2. CH VENKATA SIVA SESHU BABU

3. PUBLIC PROSECUTOR

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 for granting of pre-arrest bail in connection with Crime No.99 of 2026 of S.U.V. Campus UPS Police Station, Tirupati District, registered for the alleged offences punishable under Sections 109(1), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS') and 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for brevity 'the SC/ST POA Act').

2. Mr. Vajja Chethan Kumar Reddy, learned counsel for the petitioner, submits that the petitioner belongs to the Congress Party and is an active politician. A false case has been foisted against the petitioner. He is innocent of the alleged offence. He has been falsely implicated in this case. He has not committed any offence. He is a law-abiding citizen. He has got fixed abode. The Petitioner undertakes to abide by any conditions that this Court may impose while granting bail. Hence, it is urged to allow the Criminal Petition.

3. Mr. Ch. Venkata Siva Seshu Babu, the learned counsel for Respondent No.2, also submits that there are specific overt acts have been attributed against the petitioner. It is further submitted that the petitioner had approached the learned Court concerned by filing Crl.M.P.No.268 of 2026, which was dismissed on 22.09.2026. Hence, it is urged to dismiss the Criminal Petition.

4. *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 to dismiss the Criminal Petition.

5. Heard the learned counsel for the Petitioner, the learned counsel for the respondent No.2 and the learned Assistant Public Prosecutor. Perused the record.

6. On perusal of the averments of the complaint lodged by the respondent No.2 who belongs to SC Mala Community against the petitioner, there are specific overt acts attributed against the petitioner/accused.

7. The learned Counsel for the Petitioner relied on the judgment of Division Bench of this Court in **Vidadala Rajani v. State of A.P.,**[1]wherein at paragraph Nos.22 & 23 it is held that while adverting to the authoritative decisions of the Hon'ble Supreme Court in **Prathvi Raj Chauhan v. Union of India**[2]*,***Shajan Skaria v. State of Kerala**[3]*,* and **Vilas Pandurang Pawar v. State of Maharashtra**[4]*,* elucidated that the embargo engrafted under Sections 18 and 18A of 'the SCs & STs (POA) Act.,' is not absolute but conditional upon the existence of a *prima facie* case. It was categorically observed that the

[1]2025 SCC OnLine AP 3404
[2](2020) 4 SCC 727
[3]2024 SCC OnLine SC 2249
[4](2012) 8 SCC 795

Hon'ble Supreme Court has consistently held that when the foundational material does not disclose a *prima facie* offence under 'the SCs & STs (POA) Act.,' the constitutional right of an accused to invoke Section 438 of 'the Cr.P.C.,' for anticipatory bail remains unimpaired. It has further clarified that the Hon'ble Supreme Court, in the aforementioned decisions, had not adjudicated upon the forum for entertaining such applications, but confined itself to the maintainability thereof vis-à-vis the statutory bar. Consequently, this Court, upon a meticulous examination of the statutory scheme and judicial dicta, concluded that the statutory prohibition under Sections 18 and 18A of 'the SCs & STs (POA) Act.,' is attracted only when *prima facie* incriminatory material exists, and conversely, in its absence, the bar stands inoperative, thereby preserving the jurisdiction of the Court to entertain a petition under Section 438 of 'the Cr.P.C.'

8. In the decision relied on by the learned Counsel for the Petitioner in **Vidadala Rajani** supra, it is held that the embargo under Sections 18 and 18A of 'the SCs & STs (POA) Act.,' is not absolute but conditional upon the existence of a *prima facie* case. However, in the present matter the foundational material clearly discloses a *prima facie* offence under 'the SCs & STs (POA) Act.,' as the allegations specifically involve caste-based abuses and assault. Therefore, the ratio in **Vidadala Rajani** *supra* does not assist the Petitioner, and the statutory bar remains operative.

9. Therefore, request for grant of pre-arrest bail to the Petitioner/Accused does not appear to be convincing or reasonable. Furthermore, importantly

grant of pre-arrest bail to the Petitioner, 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** [5] and **Sushila Aggarwal v. State (NCT of Delhi)** [6] **.**There are no merits in the petition. The Petitioner/Accused is disentitled for grant of pre-arrest bail. Hence, the Criminal Petition is devoid of merit and is liable to be dismissed.

10. 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:02.11.2026
VMM

[5] (1980) 2 SCC 565
[6] (2020) 5 SCC 1

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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