Date of reserved for orders :
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APHC010477122026

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

FRIDAY, THE 13th DAY OF NOVEMBER 2026

PRESENT
THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8029/2026

Between:

1. D YUVARAJ, AGED ABOUT 32 YEARS,S/O D.CHENGALRAYUDU, RESIDING AT H.NO.2-80,NAYANICHERUVU VILLAGE, THUMMINDAPALYEMPOST, CHITTOOR RURAL MANDAL, CHITTOOR DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH S.H.O OF CHITTOOR TALUK P.S. CHITTOOR, REP.BY PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMARVATHI.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. DEVIPRASAD P

Counsel for the Respondent/complainant:

1.

2. ARRABOLU SAI NAVEEN

3. PUBLIC PROSECUTOR

4. 00

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8029 of 2026

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.1 for granting of pre-arrest bail in connection with Crime No.65 of 2026 of Chittoor Taluk Police Station, Chittoor, registered for the alleged offence punishable under Section 109(1) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

2. The case in brief of the prosecution is as under:

On 03.07.2026 at about 1.30 a.m., while the complainant/ M.Vinayakam was sleeping on a cot on his agricultural field at Nayanicheruvu Village, accused Nos.1 to 3 and others allegedly came there converting their faces with masks and carrying chilli powder. They attempted to kill him by strangulating him with a bed sheet and beating him on his nose. When the complainant fell from the cot, resisted the attack and raised cries, his mother and younger brother switched on the lights and came out of the house. On seeing them, the accused escaped in an Innova car after threatening to kill the complainant and his family. The complainant sustained a bleeding injury on his nose and abrasions on his back and right leg. The alleged motive was an ancestral land and house dispute between the families. It was further alleged that, about 20

days before the incident, accused Nos.1 to 3 had threatened to kill the complainant in connection with the same dispute. Based on the report of the complainant, police registered the case.

3. Sri P.Deviprasad, learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence as alleged by the police. The complaint is based solely on assumptions and presumptions of the defacto complainant, without any credible material connecting the petitioner with the alleged offence. The petitioner is in no way connected with the crime and has not participated in the alleged offence. Learned counsel further submits that there are joint family property disputes between the family of the petitioner and the defacto complainant, who is a coparcener, and the present false complaint has been lodged under the influence of local politicians to settle the said civil disputes. There are no prima-facie materials or ingredients to constitute the alleged offences against the petitioner. The petitioner is the sole breadwinner of his family, having three children, and is a law-abiding citizen with good reputation and no criminal antecedents. The Hon'ble Supreme Court has repeatedly held that "bail is the rule and incarceration is the exception" in view of the fundamental rights guaranteed under Article 21 of the Constitution of India. The entire investigation is completed and the charge sheet has been filed; hence, no further custodial interrogation is required. The petitioner's continued

incarceration would adversely affect his family and particularly the future of his three children. The earlier bail petition filed in Crl.M.P. No. 618 of 2026 before the Hon'ble IX Additional District and Sessions Judge, Chittoor, was dismissed vide order dated 24.07.2026. The petitioner undertakes to cooperate with the investigating agency, regularly attend the Court, furnish sufficient sureties and abide by any conditions that this Hon'ble Court may deem fit and proper to impose.

4. *Per contra*, Mr.A.Sai Rohith, the learned Assistant Public Prosecutor vehemently opposed the grant of 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 bail at this stage, there is a strong likelihood that he may abscond, thereby hampering the ongoing investigation and evading the process of law and urged to dismiss the Petition.

5. Sri Arrabolu Sai Naveen, learned Legal-Aid Counsel for respondent No.2 vehemently opposed the grant of pre-arrest bail to the petitioner and submits that the petitioner and other accused attempted to kill the complainant/respondent No.2 by strangulating him with a bed sheet and beating him on his nose. The complainant sustained a bleeding injury on his nose and abrasions on his back and right leg. The alleged motive was an ancestral land and house dispute between the families. It was further alleged that, about 20 days before the incident,

accused Nos.1 to 3 had threatened to kill the complainant in connection with the same dispute. The investigation is still underway and several material witnesses remain to be examined. It is contended that if the Petitioner is released on bail at this stage, there is a life threat to the 2nd respondent. Hence, it is urged to dismiss the petition.

6. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor and learned Legal-Aid Counsel for respondent No.2. Perused the record.

7. Now the point for consideration is:

> *"Whether the Petitioner is entitled for grant of pre-arrest bail?"*

8. Learned counsel for the petitioner submitted written submissions, wherein he submits that the principle of anticipatory bail is based on the presumption of innocence, namely, that every person is presumed innocent until proven guilty. The provision under Section 438 Cr.P.C. was introduced pursuant to the recommendations of the 41st Law Commission Report, 1969, to protect innocent persons from false implication and unnecessary arrest. The Law Commission observed that influential persons may falsely implicate their rivals and subject them to unnecessary detention. It is further submitted that the Hon'ble Supreme Court in *State of Rajasthan v. Balchand ((1977) 4 SCC 308)* reiterated the principle of "Bail, not Jail", except where there are reasonable

apprehensions of absconding, tampering with evidence, intimidating witnesses or repeating offences. The principle of presumption of innocence was also recognised in *Woolmington v. Director of Public Prosecutions ([1935] AC 462 (House of Lords))*, holding that the prosecution must establish the guilt of the accused beyond reasonable doubt.

9. It is further submitted that the petitioner's personal liberty is protected under Article 21 of the Constitution of India and that pre-trial detention should not operate as punishment. The petitioner is from an economically weaker family, having three children, and is the sole breadwinner. His arrest would seriously affect the livelihood, welfare and future of his children, apart from damaging his reputation in society. It is further submitted that the petitioner is innocent and has not committed any offence as alleged. The complaint is based on assumptions and presumptions without credible material connecting him with the alleged crime. There are existing joint family property disputes between the petitioner's family and the defacto complainant's family, and the present complaint is allegedly motivated to settle the said civil disputes by giving them a criminal complexion. There are no prima facie materials establishing the ingredients of the alleged offences against the petitioner.

10. It is further submitted that the petitioner is a law-abiding citizen, having no criminal antecedents, and enjoys a good reputation in the locality. Except for the arrest of A1 and A2 and filing of the charge sheet, the investigation is substantially completed, and no further custodial interrogation of the petitioner is required. The petitioner undertakes to cooperate with the investigating agency and comply with any conditions imposed by this Hon'ble Court. It is further submitted that the earlier bail petition in Crl.M.P. No. 618 of 2026, on the file of the Hon'ble IX Additional District and Sessions Judge, Chittoor, was dismissed vide order dated 24.07.2026. The petitioner undertakes to appear before the investigating agency and the competent Court whenever required, furnish sufficient sureties and abide by all conditions imposed by this Hon'ble Court. It is therefore prayed that this Hon'ble Court may be pleased to grant anticipatory bail to the petitioner/Accused No. 1 in the event of his arrest in Crime No. 65 of 2026 of Chittoor Taluk Police Station, Chittoor, pending disposal of the case, and pass such other orders as this Hon'ble Court may deem fit and proper in the interests of justice.

11. The learned counsel for the petitioner submits that there are seven accused in the present case. Accused Nos. 3, 4, 6 and 7 have been granted regular bail, while accused No.5 has been granted anticipatory bail. Accused No. 2 is the wife of accused No.1. He further

submits that the petitioner has two sons and one daughter, who are studying in Government school. If the petitioner is remanded to judicial custody, his reputation would be tarnished and his children would suffer social stigma in their school. He further submits that the petitioner belongs to a Below Poverty Line family and that the allegations made against him are exaggerated. The petitioner and respondent No.2 are cousins, and there are civil disputes pending between them. Taking advantage of the said disputes, respondent No.2 has lodged a false complaint against the petitioner and other accused to settle personal scores. He further submits that there are no similar adverse antecedents against the petitioner.

12. The learned counsel for the petitioner relied upon the Judgment of the Hon'ble Apex Court in ***State of Maharashtra vs. Mohd Sajid Husain Mohd S Husain[1],*** wherein it was held in paragraph No.13 as follows:

> "13. The four factors, which are relevant for considering the application for grant of anticipatory bail, are:
>
> (i) The nature and gravity or seriousness of accusation as apprehended by the applicant:
> (ii) The antecedents of the applicant including the fact as to whether he has, on conviction by a Court, previously undergone imprisonment for a term in respect of any cognizable offence;
> (iii) The likely object of the accusation to humiliate or malign the reputation of the applicant by having him so arrested; and

[1] 2007 LawSuit(SC) 1111

(iv) The possibility of the appellant, if granted anticipatory bail, fleeing from justice."

13. The decision laid down by the Hon'ble Apex Court in ***State of Maharashtra vs. Mohd Sajid Husain Mohd S Husain,*** is not applicable to the case on hand as the facts and circumstances of that case is entirely different from this case. The investigation is still in progress, and the necessity of the petitioner's custodial interrogation cannot be ruled out at this stage.

14. Be that as it may, the allegations against the petitioner are that he attempted to kill the victim. The victim sustained simple injuries, including an injury to his nose caused by a fist blow, and was also allegedly strangulated. Mirchi powder and monkey masks were seized at the scene of offence. Prima facie, allegations have been made against the petitioner and the other accused that they attempted to take the life of respondent No. 2. Therefore, custodial interrogation of the petitioner is required. If necessary, a Test Identification Parade may also be conducted before the concerned Judicial Magistrate.

15. In view of the specific overt acts attributed against the petitioner/Accused No.1, this Court is not inclined to grant pre-arrest bail to the petitioner, as it would amount to giving a shield, protection or licence to the petitioner in respect of the specific allegations levelled against him, as per the judgments of the Hon'ble Apex Court in

Gurbaksh Singh Sibbia v. State of Panjab[2] and **Sushila Aggarwal v. State of (NCT of Delhi)**[3].

16. 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.1. Accordingly, this Court finds no merit in the Criminal Petition, and the same is liable to be dismissed.

17. 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: 13.11.2026
S D P

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

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.8029 of 2026

Date:13.11.2026

S D P