APHC010490532026

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

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8262/2026

Between:

1. SANKARAPU MAHA LAKSHMI, W/O. SRINIVASA RAO, AGED ABOUT 37 YEARS,D.NO.1-112, CHINAGOLLAPALEM VILLAGE, OCCUPATION HOUSE-WIFE, R/O.KRUTHIVENNU MANDAL, KRISHNA DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH STATION HOUSE OFFICER, KRUTHIVENNUPOLICE STATION, KRISHNA DISTRICT, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURTOF A.P.
2. SETTI YEDUKONDALU, S/O. LATE SETTI SUBBANNA, AGED ABOUT 28 YEARS, FISHERMAN, R/O. CHINAGOLLAPALEM VILLAGE, KRUTHIVENNU MANDAL, KRISHNA DISTRICT. RESPONDENT NO.2 IS IMPLEADED AS PER THE COURT ORDER DATED 05.10.2026 IN I.A.NO.2 OF 2026 IN CRL.P.NO.8262 OF 2026.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. DUGGIRALA SUBASH

Counsel for the Respondent/complainant(S):

1. N INDRASENA REDDY
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 petitioner/Accused No.7, for granting of pre-arrest bail in connection with Crime No.172 of 2026 of Kruthivennu Police Station, Krishna District, registered for the alleged offence punishable under Sections 103(1) and 238 of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

2. Mr. Duggirala Subash, the learned counsel for the Petitioner, contends that the Petitioner is the innocent of the alleged offence and he has been falsely implicated by the police. It is further submitted that the Petitioner is the sole earning member of the family and, therefore, his incarceration would cause undue hardship to his dependents. The Petitioner undertakes to strictly adhere to any conditions that may be imposed by this Court. Hence, it is urged to allow the Criminal Petition.

3. *Per contra*, Mr.A.Sai Rohith, the learned Assistant Public Prosecutor and Sri N. Indrasena Reddy, learned Legal Aid Counsel for the Respondent No.2, 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.

4. Heard the learned Counsel for the Petitioner, learned Legal Aid Counsel for the Respondent No.2 and the learned Assistant Public Prosecutor.

5. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

6. Now the point for consideration is:

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

7. As seen from the record, the Petitioner is arraigned as Accused No.7 and seeks pre-arrest bail in a double murder case. It is alleged that Shetty Subbanna deceased No.1 was killed with a knife, whereas Kolusu Ayyappa deceased No.2 was beaten to death with a wooden stick, a nylon rope was tied around his neck, and his body was thrown into the river. Initially, the FIR was registered on 27.06.2026 under the head of 'Man Missing'. Subsequently, on 28.06.2026, the case was altered to one under Section 103(1) of 'the BNS.,' and the investigation proceeded further.

8. The Petitioner is the wife of Accused No.1. It is the case of the prosecution that Accused No.1 engaged Accused No.3 to eliminate the deceased, for which a consideration of Rs.1,00,000/- was agreed to be paid towards *supari*, and an amount of Rs.20,000/- was paid in advance. The prosecution further alleges that the CDRs and tower location data pertaining to the movements of Accused Nos.1 to 5 are tallying.

9. The learned Counsel for the Petitioner relied on the judgment of the Hon'ble Apex Court in **Ram Sharan Chaturvedi v. State of Madhya Pradesh**[1], wherein at paragraph Nos.22 to 24 is held as under:

> *"22... The principal ingredient of the offence of criminal conspiracy under Section 120B of the IPC is an agreement to commit an offence. Such an agreement must be proved through direct or circumstantial evidence. Court has to necessarily ascertain whether there was an agreement between the Appellant and A-1 and A-2. In the decision of State of Kerala v. P. Sugathan and Anr.2, this Court noted that an agreement forms the core of the offence of conspiracy, and it must surface in evidence through some physical manifestation:*
> *"12....As in all other criminal offences, the prosecution has to discharge its onus of proving the case against the accused beyond reasonable doubt....A few bits here and a few bits there on which the prosecution relies cannot be held to be adequate for connecting the accused with the commission of the crime of criminal conspiracy...*
> *13. ... The most important ingredient of the offence being the agreement between two or more persons to do an illegal act. In a case where criminal conspiracy is alleged, the court must inquire whether the two persons are independently pursuing the same end or they have come together to pursue the unlawful object. The former does not render them conspirators but the latter does. For the offence of conspiracy some kind of physical manifestation of agreement is required to be established. The express agreement need not be proved. The evidence as to the transmission of thoughts sharing the unlawful act is not sufficient..." (emphasis supplied)*
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> *23. The charge of conspiracy alleged by the prosecution against the Appellant must evidence explicit acts or conduct on his part, manifesting conscious and apparent concurrence of a common design with A-1 and A-2. In State (NCT of Delhi) v. Navjot Sandhu³, this Court held:*
> *"101. One more principle which deserves notice is that the cumulative effect of the proved circumstances should be taken into account in determining the guilt of the accused rather than adopting an isolated approach to each of the circumstances. Of course, each one of the circumstances should be proved beyond reasonable doubt. Lastly, in regard to the appreciation of evidence relating to the conspiracy, the Court must take care to see that the acts or conduct of the parties must be conscious and clear enough to infer their concurrence as to the common design and its execution." (emphasis supplied)*
> *24. In accepting the story of the prosecution, the Trial Court, as well as the High Court, proceeded on the basis of mere suspicion against the Appellant, which is precisely what this Court in Tanviben Pankajkumar Divetia v. State of Gujarat, had cautioned against:*
> *"45. The principle for basing a conviction on the basis of circumstantial evidences has been indicated in a number of decisions of this Court and the law is well settled that each and every incriminating circumstance must be clearly established by reliable and clinching evidence and the circumstances so proved must form a chain of events from which the only irresistible*

[1] (2022) 16 SCC 166

> *conclusion about the quilt of the accused can be safely drawn and no other hypothesis against the quilt is possible. This Court has clearly sounded a note of caution that in a case depending largely upon circumstantial evidence, there is always a danger that conjecture or suspicion may take the place of legal proof. The Court must satisfy itself that various circumstances in the chain of events have been established clearly and such completed chain of events must be such as to rule out a reasonable likelihood of the innocence of the accused. It has also been indicated that when the important link goes, the chain of circumstances gets snapped and the other circumstances cannot, in any manner, establish the guilt of the accused beyond all reasonable doubts. It has been held that the Court has to be watchful and avoid the danger of allowing the suspicion to take the place of legal proof for sometimes. unconsciously it may happen to be a short step between moral certainty and legal proof. It has been indicated by this Court that there is a long mental distance between "may be true" and "must be true" and the same divides conjectures from sure conclusions. (Jaharlal Das v. State of Orissa (1991) 3 SCC 27)"*

10. The judgment in **Ram Sharan Chaturvedi** *supra* relates to a Criminal Appeal before the Hon'ble Apex Court. The principles laid down in the said judgment are no doubt binding on the learned Trial Court while appreciating the evidence. However, the present case is at the stage of investigation, and even the crucial witnesses have not yet been examined with regard to the role played by the Petitioner in this case. Therefore, it is necessary for the prosecution to interrogate the Petitioner in police custody, though the learned Counsel for the Petitioner contends that the alleged weapons and the vehicle used for the commission of the offence have already been recovered. Further, the role of the Petitioner is required to be ascertained through a thorough investigation.

11. Though the learned Counsel for the Petitioner submits that the Petitioner is a woman aged about 37 years and is the mother of two children, having regard to the nature and gravity of the allegations levelled against the Petitioner and her alleged role in sharing the common intention

and participating in the conspiracy, this Court is not inclined to grant pre-arrest bail to the Petitioner. In the facts and circumstances of the case, this Court is of the view that grant of pre-arrest bail would amount to providing a shield or granting a licence to the accused for commission of offences. In this regard, this Court is guided by the principles laid down by the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Panjab**[2] and **Sushila Aggarwal v. State of (NCT of Delhi)**[3].

12. The learned Counsel for the Petitioner seeks permission for the petitioner to surrender before the learned Jurisdictional Court for grant of regular bail.

13. In view of the law laid down by the Hon'ble Supreme Court in **Om Prakash Chhawnika alias Om Prakash Chabnika v. State of Jharkhand**[4], particularly in paragraph Nos.12 and 13, wherein it was held that the High Courts should exercise caution in entertaining unnecessary anticipatory bail applications and that, upon rejection of an anticipatory bail application, the Court has no jurisdiction to direct the petitioner to surrender and seek regular bail before the concerned Court. Though the Court may reject the anticipatory bail application, it cannot compel the petitioner to surrender. Therefore, the question of granting permission to surrender does not arise.

14. Be that as it may, Section 437 of 'the Cr.P.C.,'/Section 480 of 'the BNSS' enables the petitioner to appear before the learned Jurisdictional Court

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[2] (1980) 2 SCC 565
[2] (2020) 5 SCC 1
[4] 2026 SCC OnLine SC 676

concerned, which may be the Magistrate Court or a Special Court exercising the powers of a Magistrate, while dealing with the case. The learned Magistrate may pass appropriate orders, either remanding him to judicial custody in respect of an offence not punishable with death or imprisonment for life, or enlarging the petitioner on bail, subject to such conditions as may be imposed.

15. Therefore, no order is required to be passed by this Court in view of the law laid down by the Hon'ble Supreme Court in **Om Prakash Chhawnika alias Om Prakash Chabnika** *supra*, and the petitioner is always at liberty to appear before the learned Jurisdictional Court concerned by invoking the jurisdiction of the said Court under Section 437 of 'the Cr.P.C.,'/Section 480 of 'the BNSS'. Accordingly, this Court finds no merit in the Criminal Petition, and the same is liable to be dismissed.

16. 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:06.11.2026
KMS

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8262 of 2026

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