APHC010505512026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3604]**
(Special Original Jurisdiction)

THURSDAY, THE 12th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 8510/2026

Between:

1. JANAPPA ALIAS N JANARDAN, S/O LATE CHINNA NARASAPPA AGED ABOUT 65 YEARS, OCCUPATION AGRICULTURE COOLI,R/0 RODDAM VILLAGE AND MANDAL.SRI SATYA SAI DISTRICT, ANANTAPUR JUDICIAL DISTRICT, A.P.
2. HARISHANKAR, S/O P. ASWARTHAPPA.AGED ABOUT 26 YEARS, OCCUPATIONPRIVATE JOB,R/0 RODDAM VILLAGE AND MANDAL.SRI SATYA SAI DISTRICT, ANANTAPUR JUDICIAL DISTRICT, A.P.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF A.P AT AMARAVATI, THROUGH THE SUB-INSPECTOR OF POLICE, RODDAM POLICE STATION,SRI SATYA SAI DISTRICT, ANANTAPUR JUDICIAL DISTRICT, A.P.
2. B AJAY KUMAR, S/O. B. RAMAKRISHNA, AGED ABOUT 23 YEARS, OCC. PRIVATE JOB, R/O. BC COLONY, RODDAM VILLAGE AND MANDAL, SRI SATHYA SAI DISTRICT, ANDHRA PRADESH. RESPONDENT NO.2 IS IMPLEADED AS PER THE COURT ORDER DATED 15.10.2026 IN I.A.NO.2 OF 2026 IN CRL.P.NO.8510 OF 2026.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court enlarge the Petitioners / A.2 and A4 on anticipatory bail in the event of his arrest and to direct the Respondent police

to release him immediately on his apprehension in the above crime No. 45 of 2026 of Roddam P.S, Sri Satya Sai District, Anantapur Judicial District, A.P, registered for the offence punishable U/s.109(1), 118(1),238(a) r/w 3(5) of BNS, and to grant such other reliefs or relief that may be deem fit and proper in the circumstances of the case in the interest of the justice.

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased direct the Respondent police not to take any coercive steps against this petitioners/A.2 and A4 in the above crime No. 45 of 2026 on the file of Roddam P.S, Sri Satya Sai District, Anantapur Judicial District

IA NO: 2 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased may be pleased to implead the petitioner as the Respondent No.2 in the above Criminal Petition in the interests of justice and pass

Counsel for the Petitioner/accused(S):

1. SS RAMA KRISHNA PRASAD
2. S S Rama Krishna Prasad

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR
2. KASHAPOGU SURESH

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

CRIMINAL PETITION NO: 8510 OF 2026

ORDER:

This petition is filed by the petitioners/Accused Nos.2 and 4 seeking anticipatory bail in the event of their arrest in connection with Crime No.45 of 2026 of Roddam Police Station, Sri Satya Sai District for the offences under Section 109(1), 118(1), 238(a) r/w 3(5) of BNS.

2. As per the version of the petitioners, they have not committed any offence as alleged by the prosecution, ingredients of the punishable sections are not attracted against the petitioners, if the petitioners are arrested and remanded to judicial custody, they would suffer, and the petitioner No.1 is senior citizen and agricultural coolie and the petitioner No.2 is private employee. Further, respondent No.2 gave report with false averments so as to harass the petitioners, the alleged instances were taken place on 31.07.2026, whereas, report is given on 01.08.2026, the petitioners have no criminal antecedents, they are nothing to do with the alleged offences, they are permanent residents of Roddam Village and they would abide the conditions imposed by this Court.

3. Respondent No.2/defacto-complainant filed counter affidavit contending that this is not a stage to consider the contentions of the petitioners, they are not eligible to get anticipatory bail, they have actually participated in the crime, medical evidence as well as statements of witnesses reveal involvement of the petitioners, investigation is not completed, petitioners have been giving threats to the respondent No.2, the earlier bail application in Crl.M.P.No.214 of 2016 was dismissed *vide* order dated 03.09.2026 by the II Additional District and Sessions Judge, Hindupur, there are no circumstances, delay cannot be considered in this petition, there is no political rivalry and, with other formal denials, prayed to dismiss the petition.

4. Heard Sri S. Siva Rama Krishna Prasad, learned counsel for the petitioners, Smt. K.Priyanka Lakshmi, learned Assistant Public Prosecutor for the respondent No.1 and Sri Kashapogu Suresh, learned counsel for the respondent No.2.

5. Perused petition, counter and other material available on record.

6. Learned counsel for the petitioners submitted that respondent No.2 filed W.P.No.25634 of 2026 to declare the inaction of the respondent/police for not arresting accused Nos.4 and 5 and even by that time itself, petitioners who are arrayed as accused Nos.2 and 4 filed a petition in Crl.M.P.No.214 of 2026, seeking anticipatory bail and the same is dismissed *vide* order dated 03.09.2026. Learned counsel further would argue that the said petition is filed on 27.08.2026 and during pendency of that petition, respondent No.2 filed W.P.No.25634 of 2026, seeking arrest of accused Nos.4 and 5 and further, the said writ petition is not maintainable. Learned counsel for the petitioners further would argue that most of the investigation is completed, accused Nos.1, 3 and 4 were arrested on 13.08.2026 and were enlarged on bail by the coordinate bench of this Court *vide* order dated16.10.2026, wound certificates are also received by the investigating officer, both the petitioners are permanent residents of Roddam Village, they are ready to abide the conditions to be imposed by this Court. Further, petitioner No.1/Accused No.2 is senior citizen and is aged about 65 years and petitioner No.2 is a private employee and they are the sole bread winners of the respective families.

7. On the other hand, learned counsel for the respondent No.2 would argue that both the petitioners are also participated in the crime, grave allegations are levelled against them, investigation is not completed, they have been giving threats to the respondent No.2 and if they enlarged on interim bail, they would threat to witnesses.

8. Learned Assistant Public Prosecutor also would argue that investigation is not yet completed and though the wound certificates are received, the

investigating officer has to conduct further investigation in respect of the allegations levelled against the petitioners and that their custody is required to proceed further.

9. As seen from the record, basing on the report of respondent No.2, a case in Crime No.45 of 2026 is registered of the offences under Section 118(1) r/w 3(5) of BNS against the petitioners and three (03) others, alleging that on 31.07.2026 at 4.30 P.M at Anjaneya Swami Temple, Roddam Village, accused No.1 came along with the petitioners and others armed with iron rods, wooden sticks and pipes, attacked the respondent No.2/B.Ajay Kumar, his elder brother/B. Sasi Kumar, B.Pavan Kumar and B. Rathnamma, in view of the previous incident, attempted to commit murder and caused injuries to respondent No.2 and others. As seen from the remand report of accused Nos.1, 3 and 5, seven (07) witnesses were examined by 14.08.2026.

10. Pre-trial incarceration makes justification depending upon the offences, heinous in nature, term of the sentence prescribed in the statue for such a crime, probability of the accused, fleeing from justice, tampering the investigation, criminal history of the accused, and doing away with the victims and witnesses. The court is under an obligation to maintain a balance between all stake holders and safeguards the interests of the victim, accused, society, and State. In this regard, it is to be noted that in ***Sushila Aggarwal Vs. State of (NCT of Delhi) and Another[1],*** while answering the reference questions, a Constitution Bench comprising of five Hon'ble Judges, clarified the factors that would be required to be kept in mind while dealing with applications moved under Section 438 of Code of Criminal Procedure and observed that:

> "92.3. Nothing in Section 438 Cr.P. C., compels or obliges courts to impose condition limiting relief in terms of time, or upon filing of FIR, or recording of statement of any witness, by the police, during investigation or inquiry etc., while considering an application (for grant of anticipatory bail) the Court has to consider the nature of the offence, the role of the person, the likelihood of his

[1]2020 SAR (Cri) 42512

> influencing the course of investigation, or tempering with evidence (including intimidating witnesses), likelihood of fleeing justice (such as leaving the country) etc.,.....
>
> 92.4. Courts ought o be generally guided by consideration such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail or refuse it. Whether to grant or not is a matter of discretion;equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case and subject to the discretion of the Court….
>
> 92.6 An order of anticipatory bail should not be "blanket" in the sense that it should not enable the accused to commit further offences and claim relief of indefinite protection from arrest. It should be confined to the offence or incident, for which apprehension of arrest is sought, in relation to a specific incident. It cannot operate in respect of a future incident that involves commission of an offence".

11. Further, in ***Siddharam Satlingappa Mhetre V. State of Maharastra & Others***[2], the Hon'ble Apex Court has held that while deciding in the petition under Section 438 of Code of Criminal Procedure, the Court has to consider the following guidelines:

i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

ii) The antecedents of the petitioner including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

iii) The possibility of the petitioner to flee from justice;

iv) The possibility of the accused's likelihood to repeat similar or the other offences;

v) Where the accusation have been made only with the object of injuring or humiliating the petitioner by arresting him or her;

vi) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

vii) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The case in which accused is implicated with the help of Section 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;

viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be

[2]Crl.Appeal No.2271 of 2010 dated 02.12.2010

caused to the free, fair and full investigation and their should be prevention of harassment, humiliation and unjustified detention of the accused;

ix) The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant; and

x) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of prosecution, in the normal course of events, the accused is entitled to order of bail.

12. In ***Gurubaksh Singh Sibbia Vs. State of Punjab***[3], it is held that there should be a balance between the rights of the individuals and police during the course of investigation.

13. As rightly argued by the learned counsel for the respondent No.2 as well as learned Assistant Public Prosecutor, this is not a petition to touch the merits of the case and the allegations levelled against the petitioners and at the same time, it is to be noted that the accused No.1 and accused Nos.3 and 5 were arrested and were enlarged on bail by the coordinate bench of this Court *vide* order dated 16.10.2026. Further, record reveals, most of the investigation is completed and wound certificates were also received by the investigating officer. So far as arguments of the respondent No.2 that the petitioners have been giving threats to the respondent No.2 and that the investigating officer has not been considering their representations, the investigating officer shall invariably take protective measures so as to safeguard the defacto-complainant/respondent No.2, who set the criminal law into motion and other victims.

14. For the foregoing reasons and having giving thoughtful consideration to the above mentioned prepositions of Hon'ble Apex Court and in the given facts and circumstances, this court came to conclusion that the petition may be allowed on certain conditions and as such, inclined to allow the petition. Hence, this point is answered accordingly.

[3]Crl.Appeal No.2271 of 2010 dated 02.12.2010

15. **In the result**, this criminal petition is allowed on the following conditions:

i) The petitioners/accused Nos.2 and 4 shall surrender before the learned Additional Judicial Magistrate of First Class, Penukonda on or before 20.11.2026 and shall execute self bond for Rs.10,000/- each with two sureties for a like sum each to the satisfaction of the learned Magistrate, failing such compliance, the order would become inoperative.

ii) The petitioners/accused Nos.2 and 4 shall attend before the Station House Officer, Roddam Police Station, Sri Satya Sai District, Anantapur on every 4th Saturday between 10.00 A.M and 5.00 P.M till filing the charge sheet.

(iii) The petitioners shall abide the conditions contemplated under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(iv) The Station House Officer, Roddam Police Station, is directed to take all necessary steps and make arrangements for the protection of de-facto complainant and other victims against any kind of intimidation or coercion or inducement or threats of violation, to secure the ends of justice.

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SUNITHA GANDHAM, J

Dt: 12.11.2026

Scs/Vns