APHC010512362026

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

FRIDAY, THE 9th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8630/2026

Between:

1. RAYALA RAJA RAO, S/O MUTTAIAH, AGED ABOUT 54 YEARS, OCC BUSINESS,MANAGING DIRECTOR OF OAKLAND INFRA PVT LTD,O/O 755, 4TH FLOOR, ABOVE CROMA STORE, MANHATTAN BUILDING,ROAD NO 36, JUBILEE HILLS, HYDERABAD, TELANGANA -500033.
2. RRSWATHI ALIAS RAYALA SWATHI RAJA, W/O RAYALA RAJA RAO, AGED ABOUT 46 YEARS, OCC BUSINESSFLAT-104, MY HOME ABRA, MADHAPUR, RANGA REDDY DISTRICT,TELANGANA - 500081.
3. JALLA SHIVA KUMAR, S/O JALLA POCHAIAH, MALE, AGE 56 YEARS, OCC BUSINESS,FLAT NO - 3103 JANA PRIYA AVENUE, SATYA NAGAR, NEW MARUTHI NAGAR,KOTHAPET, RANGA REDDY DISTRICT, TELANGANA – 500035

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.
2. KOMMINENI NAGA GOPI, S/O RAMACHANDRA RAO, AGED ABOUT 32 YEARSR/O D.N0.4-I/A, SIVALAYAM STREET, NEAR SAI MANDHIRPEDANANDHI PADU VILLAGE M, GUNTUR DISTRICT,ANDHRA PRADESH - 522235.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. ARUN SHOWRI G

Counsel for the Respondent/complainant(S):

1. PAUL PRASAD ZAMPANI
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 petitioners/Accused Nos.1, 2 & 5 seeking grant of pre-arrest bail in connection with Crime No.128 of 2024 of Pedanandipadu Police Station, Guntur District, registered for the alleged offences punishable under Sections 318(4) and 79 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity, 'the BNS').

2. Heard Mr. G.Arun Showri, learned counsel for the petitioners, Mr. A.Sai Rohith, learned Assistant Public Prosecutor, and Mr. Paul Prasad Zampani, learned Legal Aid Counsel appearing for Respondent No.2.

3. Mr. G. Arun Showri, learned counsel for the petitioners, submits that the F.I.R. was initially registered for the alleged offences punishable under Sections 318(4) and 79 read with Section 3(5) of the BNS. Subsequently, in the course of investigation, the provisions of the Andhra Pradesh Protection of Interests of Depositors (in Financial Establishments) Act, 1999 (for brevity, 'the Act'), and the Banning of Unregulated Deposit Schemes Act, 2019 (for brevity, 'the BUDS Act'), were also invoked.

4. Learned counsel for the petitioners submits that the petitioners are ready to cooperate with the investigating officer and that whatever documents are in the custody of the petitioners will be produced before the Investigating Officer. It is further submitted that the petitioners have cooperated with the investigating agency in substantial aspects of the investigation.

5. Learned counsel for the petitioners further submits that the petitioners earlier filed Crl.P.No.1399 of 2025 under Section 482 of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C.'), wherein a learned Coordinate Bench of this Court, by order dated 31.07.2025, granted them the benefit of the procedure contemplated under Section 35(3) of 'the BNSS'. Thereafter, the petitioners filed Crl.P.No.5706 of 2025, which was disposed of by a learned Coordinate Bench of this Court on 20.08.2025, directing the investigating officer to conclude the investigation and file the final report. It is submitted that the petitioners are now apprehending action at the hands of the investigating officer.

6. Learned counsel for the petitioners further submits that the petitioners are innocent and have been falsely implicated in this case. They are the sole breadwinners of their families. It is further submitted that the petitioners have repaid the amounts due to several victims and that only a small portion of the amounts remains unpaid. The petitioners are ready to repay the remaining amounts and abide by any conditions that may be imposed by this Court while granting pre-arrest bail. Hence, learned it is urged to allow the Criminal Petition.

7. Per contra, Mr. A. Sai Rohith, learned Assistant Public Prosecutor, vehemently opposes the grant of pre-arrest bail, submitting that the investigation is still in progress and several material witnesses remain to be examined. It is contended that the petitioners have been absconding for a considerable period and have not cooperated with the investigating agency. It is further submitted that the properties of the petitioners are required to be identified for taking appropriate steps towards their attachment under the provisions of 'the Act'.

8. The learned Assistant Public Prosecutor further submits that the investigation is at a crucial stage and custodial interrogation of the petitioners is necessary for the effective completion of the investigation. It is also submitted that there are six similar adverse criminal antecedents reported against the petitioners. Hence, it is urged to dismiss the Criminal Petition.

9. Mr. Paul Prasad Zampani, learned Legal Aid Counsel appearing for Respondent No.2, supports the submissions made by the learned Assistant Public Prosecutor. It is submitted that huge amounts are allegedly due from the petitioners to 78 victims and that the petitioners are not entitled to the discretionary relief of pre-arrest bail. Hence, it is urged to dismiss the Criminal Petition.

10. As seen from the record, a learned Coordinate Bench of this Court, in Crl.P.No.1399 of 2025, by order dated 31.07.2025, granted the petitioners the benefit of the procedure contemplated under Section 35(3) of 'the BNSS'. Subsequently, in Crl.P.No.5706 of 2025, by order dated 20.08.2025, a learned

Coordinate Bench of this Court directed the investigating officer to conclude the investigation and file the final report. The said proceedings, however, do not, by themselves, preclude this Court from considering the present request for pre-arrest bail on its merits in the light of the circumstances now placed on record.

11. It is further seen from the record that six similar adverse criminal antecedents have been reported against the petitioners, namely, Crime No.18 of 2013 of Visakhapatnam-III Police Station, Visakhapatnam City; Crime No.16 of 2014 of Narasannapeta Police Station, Srikakulam District; Crime No.19 of 2014 of Kasibugga Police Station, Srikakulam District; Crime No.12 of 2014 of Srikakulam II Police Station, Srikakulam District; Crime No.13 of 2014 of Tekkali Police Station, Srikakulam District; and Crime No.22 of 2014 of Vizianagaram-I Town Police Station, Vizianagaram District. It is well-settled that the Petitioner is presumed innocent until proven guilty. The Hon'ble Apex Court in **Prabhakar Tewari v. State of Uttar Pradesh**[1] at para No.7, observed that mere pendency of criminal antecedents itself is not a ground to deny the request for grant of bail.

12. However, the petitioners have not disclosed the aforesaid criminal antecedents in the present Criminal Petition. In this regard, it is apposite to refer to the judgment of the Hon'ble Apex Court in **Zeba Khan v. State of U.P.,**[2]**,** wherein, at Paragraph Nos. 47 and 48, it was observed that bail applications are often considered on the basis of *prima facie* material placed

[1] (2020) 11 SCC 648
[2] 2026 SCC Online 188

before the Court at different stages of the proceedings. The Court held that non-disclosure of material facts, such as criminal antecedents, prior bail rejections, custody period, and the stage of trial, may result in an erroneous grant or refu sal of bail. It was further held that every bail applicant is under an obligation to disclose all material particulars, including criminal antecedents and any coercive processes pending against him, duly supported by an affidavit. Such disclosure is necessary to ensure transparency, uniformity, and integrity in bail adjudication.

13. The revised Standing Order No.282(1) of the High Court of the Andhra Pradesh stated in every application for bail presented to the High Court, the Petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information.

14. Be that as it may, the prosecution alleges that the petitioners have been absconding for a considerable period. It is further alleged that huge amounts were collected from 78 unsuspecting victims on the promise of attractive returns by way of interest and that substantial amounts remain unpaid. The properties of the petitioners are required to be identified for taking appropriate steps towards attachment under the provisions of ‘the Act’. The prosecution

also asserts that custodial interrogation of the petitioners is necessary for effectively completing the investigation.

15. Further, 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, as per the judgments of the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Panjab**[3] and **Sushila Aggarwal v. State of (NCT of Delhi)**[4]. 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: 09.10.2026
PMK/YCH

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

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