APHC010513092026

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

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8635/2026

Between:

1. RINKU ROY, S/O. KANAI LAI ROY,AGED ABOUT 33 YEARS, OCC PRIVATE EMPLOYEE,RESIDING AT D.NO. 10-1-126/1, MEHER NAGAR,OLD GAJUWAKA, VISAKHAPATNAM.
2. VARADA LAKSHMANA, S/O. SURYA RAO,AGED ABOUT 34 YEARS,RESIDING AT D.NO. 2-71/2,KINDAM AGRAHARAM, BONDAPALLI,VIZIANAGARAM DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor,High Court of A.P., at Amaravathi,Through the Station House Officer, Gajuwaka Police Station,Visakhapatnam.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. LEELA HARIPRASADKANDREGULA
2. Kandregula Leela Hariprasad

Counsel for the Respondent/complainant:

1. 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 Petitioners/Accused Nos.1 & 2 for granting of pre-arrest bail in connection with Crime No.329 of 2026 of Gajuwaka Police Station, Visakhapatnam Commissionerate, registered for the alleged offences punishable under Sections 3(1), 4(1) and 5(1)(a) of the Immoral Traffic (Prevention) Act, 1956 (for brevity, 'the Act').

2. Heard learned counsel for the Petitioners and learned Assistant Public Prosecutor. Perused the record.

3. Mr. Kandregula Leela Hariprasad, learned Counsel for the Petitioners, submits that the Petitioners were not present at the alleged scene of offence. The prosecution alleges that the Petitioners are the organizers of the offence. The Petitioners have been falsely implicated in this case and have not committed any offence. The allegation against Accused Nos.4 to 6 is that they had brought the victims into flesh trade. So far, the investigation reveals only the confession of the co-accused, which is hit by Sections 23(1) and 23(2) of the Bharatiya Sakshya Adhiniyam, 2023 (for brevity, 'the BSA'). The Petitioners are ready to cooperate with the Investigating Officer and abide by any conditions that may be imposed by this Court while enlarging them on pre-arrest bail. Hence, it is urged to allow the Criminal Petition.

4. Mr. A. Sai Rohith, learned Assistant Public Prosecutor, vehemently opposed the grant of any relief, much less pre-arrest bail, to the Petitioners and submitted that the provisions of Section 143 of 'the BNS' are squarely attracted to the facts and circumstances of the case and that the said offence is punishable with rigorous imprisonment for a term which may extend to ten years. Investigation is not yet completed. The accusation against the Petitioners is well-founded. Hence, it is urged to dismiss the Criminal Petition, as the discretionary relief cannot be exercised in favour of the Petitioners.

5. On perusal of the record, the Petitioners are arraigned as Accused Nos.1 and 2 in this case. Based on the Mediators' report, the Station House Officer, Gajuwaka Police Station, registered a case in FIR No.329 of 2026 on 30.08.2026 for the alleged offences punishable under Sections 3(1), 4(1) and 5(1)(a) of 'the Act'. The provisions of Section 143 of 'the BNS' are also attracted to the facts and circumstances of the case. The allegation against the Petitioners is that they had organized a brothel. Of course, there are no similar adverse antecedents reported against Petitioner No.1/Accused No.1, whereas one adverse antecedent is reported against Petitioner No.2/Accused No.2. As against Accused Nos.4 to 6, the Investigating Officer had issued notices as contemplated under Section 35(3) of 'the BNSS'. As mentioned *supra*, the alleged offence is punishable with imprisonment which may extend to ten years under Section 143 of 'the BNS'. Therefore, there is no question of issuance of notice under Section 35(3) of 'the BNSS'.

6. The role of the Petitioners came to light based on the confession given by the co-accused. The victims of the alleged flesh trade have been examined as LWs.8, 9 and 10. Their statements reveal the complicity of the accused in this case. The prosecution alleges that Accused No.3 acted as a receptionist at the spa where the alleged flesh trade was being carried out and that Accused Nos.1 and 2 had been running a brothel. Investigation has not yet been completed. Only seven witnesses have been examined so far. The investigation is still at a nascent stage. That apart, the accusations against the Petitioners are well-founded.

7. The grant of pre-arrest bail to the Petitioners 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**[1] and **Sushila Aggarwal v. State (NCT of Delhi)** [2] **.** The remedy of pre-arrest bail, being an extraordinary and discretionary relief, cannot be granted to the Petitioners, especially in a case involving alleged flesh trade of this nature. Therefore, the request for grant of pre-arrest bail to the Petitioners/Accused Nos.1 & 2, at this juncture, does not appear to be convincing or reasonable. There are no merits in the petition. Hence, the Criminal Petition is devoid of merit and is liable to be dismissed.

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

8. In the result, the Criminal Petition is dismissed.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 07.10.2026
PRA

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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