APHC010520992026

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

THURSDAY, THE 8th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NOs: 8755, 8756 and 8763 of 2026

1.CRIMINAL PETITION NO: 8755/2026

Between:

1. N SREE REVATHI, W/O N. CHANDRA SEKHAR,AGED ABOUT 38 YEARS, PROPRITER OF M/S KARTHIKEYA ENTERPRISES,R/O, D.NO. 3-50, BANK STREET, PAPANAIDUPETA, CHITTOOR DISTRICT, ANDHRA PRADESH

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, rep. by its Public Prosecutor,High Court of Andhra Pradesh at Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. D PURNACHANDRA REDDY

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

2. CRIMINAL PETITION NO: 8756/2026

Between:

1. S YAMUNA RANI, D/O. RAMAKRISHNA,AGED ABOUT 38 YEARS, R/O, 3-189-3-A, GOLLAPUDI, B.K PALLI,MADANAPALLE,CHITTOOR DISTRICT,ANDHRA PRADESH

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, rep. by its Public Prosecutor,High Court of Andhra Pradesh at Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. D PURNACHANDRA REDDY

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

3. CRIMINAL PETITION NO: 8763/2026

Between:

1. S L RAJESH, S/O. S. LOKANAYHA RAJU,AGED ABOUT 39 YEARS, R/O, FLAT.NO. 401, SRINAVASA NILAYAM,SUBASH NAGAR, TIRUPATHI DISTRICT,ANDHRA PRADESH.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, rep. by its Public Prosecutor,High Court of Andhra Pradesh at Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. D PURNACHANDRA REDDY

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

COMMON ORDER:

These three Criminal Petitions are heard together and are being disposed of by way of this common order, as they arise out of different crimes and are filed by different Petitioners, but the de-facto complainant in all the three cases is one and the same.

2. Criminal Petition No.8755 of 2026 has been filed under Sections 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused No.1 on bail in Crime No.15 of 2026 of CID Police Station, Mangalagiri, Guntur District, registered for the alleged offences punishable under Sections 420, 409 read with 120-B of the Indian Penal Code, 1860 (for brevity, 'the I.P.C.,') and Section 13(2) of the Prevention of Corruption Act, 1988 (for brevity, 'the Act').

3. Criminal Petition No.8756 of 2026 has been filed under Sections 482 of 'the BNSS', seeking to enlarge the Petitioner/Accused No.1 on bail in Crime No.10 of 2026 of CID Police Station, Mangalagiri, Guntur District, registered for the alleged offences punishable under Sections 420, 409 read with 120-B of 'the I.P.C.,' and Section 13(2) of 'the Act'.

4. Criminal Petition No.8763 of 2026 has been filed under Sections 482 of 'the BNSS', seeking to enlarge the Petitioner/Accused No.1 on bail in Crime No.08 of 2026 of CID Police Station, Mangalagiri, Guntur District, registered for the alleged offences punishable under Sections 420, 409 read with 120-B of 'the I.P.C.,' and Section 13(2) of 'the Act'.

5. Heard the learned counsel for the Petitioners, the learned Assistant Public Prosecutor. Perused the record.

6. The learned counsel for the Petitioners submits that the Petitioners have already paid some amount towards part payment to the de-facto complainant. It is further submitted that the Petitioners, without approaching the learned Sessions Judge at the first instance seeking pre-arrest bail, have directly approached this Court. Such procedure is contrary to the law laid down by the Hon'ble Apex Court in **Mohammed Rasal.C v. State of Kerala**[1] and **Jagdeo Prasad v. State of Bihar and others**[2]**.**

7. The Hon'ble Apex Court in **Mohammed Rasal. C** *supra* wherein at paragraph Nos.7, 8 and 9 it was held as follows:-

> *"7. The Sessions Judge exercises powers under Section 438 Cr.P.C in relation to all cases registered with the police stations in the particular District. This area-wise distribution of work would make it much more convenient and facilitate expeditious disposal, if the application for pre-arrest bail is first filed before the Sessions Court which would have a direct and first-hand assistance of the concerned Public Prosecutor appointed for that particular District. The Sessions Court would also have an immediate access to the Case Diary thereby facilitating a better appreciation of facts of the case.*
>
> *8. We further feel that if the practice of entertaining the applications for pre-arrest bail directly in the High Court is encouraged, and the parties concerned are not relegated to first approach the Sessions Court concerned, the High Court would be flooded with a spate of pre-arrest bail applications thereby creating a chaotic situation. We say so, because if the parties are required to approach the Sessions Court concerned for seeking remedy of pre-arrest bail, there is a strong probability that significant number of applications would be allowed at that level only thereby acting as a filtration process before the process reaches the High Court.*
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> *9. It is trite that in most of the States, there is a consistent practice requiring the litigant concerned to first approach the Sessions Court for seeking relief of pre-arrest bail and only in the event of denial of such relief, the litigant would be granted access to approach the High*

[1] Special Leave to Appeal (Crl) Nos. 6588 of 2025, dated 08.09.2025.
[2] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

> *Court for seeking such relief. This is, of course, subject to just exceptions and the High Court, for reasons to be recorded, may entertain an application for pre-arrest bail directly in special/ extra-ordinary circumstances."*

8. The Hon'ble Apex Court in **Jagdeo Prasad** *supra* at para No. 6 as under:

> *"6. However, before parting, we do wish to express our sincere concern with the haste at which the High Court has dealt with this matter. While the scheme of Criminal Procedure Code, 1973 (now Bharatiya Nagarik Suraksha Sanhita, 2023) provides concurrent jurisdiction to the High Court and Sessions Court for entertaining applications for anticipatory bail, this Court has time and again observed that High Court should always encourage exhausting an alternative/concurrent remedy before directly interfering itself. This approach balances the interests of all the stakeholders, first by giving the aggrieved party a round of challenge before the High Court. Second, this approach provides the High Court an opportunity to assess the judicial perspective so applied by the Sessions Court, in concurrent jurisdiction, instead of independently applying its mind from the first go. Further, the High Court fails to record any reason for directly granting anticipatory bail without impleading the appellant-complainant as a party."*

9. Albeit this Court has got concurrent jurisdiction under Section 482 of 'the BNSS.,' such discretionary relief would only be granted, when the Petitioner establishes a special case or extra ordinary circumstance. As seen from the averments, the Petitioners neither established a special case nor extra-ordinary circumstance. However, in view of the orders passed in **Mohammed Rasal.C** and **Jagdeo Prasad** *supra*, this Court is not inclined to exercise its discretionary power to grant pre-arrest bail to the Petitioners, as they have not approached the learned Sessions Judge concerned at first instance.

10. Having considered the entire facts and circumstances of the case, these three Criminal Petitions are disposed of, permitting the Petitioners to approach the learned Sessions Judge by filing appropriate applications seeking grant of

pre-arrest bail within a period of two (02) weeks from the date of receipt of a copy of this order. Until such time, the Investigating Officer is directed not to arrest the Petitioners.

11. In the result, these three Criminal Petitions are disposed of.

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

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DR. Y. LAKSHMANA RAO, J

Date: 08.10.2026
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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

Crl.P.Nos.8755, 8756 and 8763 of 2026

08.10.2026

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