APHC010527052026

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

WEDNESDAY, THE 11th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8852/2026

Between:

PENETI MASTHAN ALIAS MASTHANAIAH, S/O. VEMULAIAH, AGED ABOUT 57 YEARS,R/O. HARIJANAWADA, KOTA VILLAGE 86 MANDAL,SPSR NELLORE DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,THROUGH STATION HOUSE OFFICER, KOTA POLICE STATION,HIGH COURT OF ANDHRA PRADESH,AMARAVATI.
2. AVISA VASU, S/O. POLAIAH, AGED ABOUT 35 YEARS, R/O. KOTA VILLAGE AND MANDAL, SPSR NELLORE DISTRICT, ANDHRA PRADESH. RESPONDENT NO.2 IS IMPLEADED AS PER THE COURT ORDER DATED 02.11.2026 IN I.A.NO.1 OF 2026 IN CRL.P.NO.8852 OF 2026.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

NALABOLU VENKATA PAVANKUMAR

Counsel for the Respondent/complainant(S):

1. SHAIK AFZAL MOHAMMED
2. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused on bail in Crime No.91 of 2026 of Kota Police Station, SPSR Nellore District, registered for the alleged offences punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

2. Mr. N.V.Pavan Kumar, the learned Counsel for the Petitioner submits that the Petitioner is innocent of the alleged offence. 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. He is a law-abiding citizen. The Petitioner undertakes to strictly adhere to any conditions that may be imposed by this Court. Hence, it is urged to allow the Petition.

3. *Per contra*, Mr.A.Sai Rohith, the learned Assistant Public Prosecutor and Mr.Shaik Afzal Mohammed, the learned Legal Aid Counsel for respondent No.2, vehemently opposed the grant of 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 bail at this stage, there is a strong likelihood that he may abscond, thereby hampering the

ongoing investigation and evading the process of law and urged to dismiss the Petition.

4. Heard the learned counsel for the Petitioner, the learned Assistant Public Prosecutor and the learned Legal Aid Counsel for respondent No.2. Perused the record.

5. As seen from the record, the petitioner was arrested on 08.09.2026 and has been in judicial custody for the past 64 days. The father of Respondent No.2 was aged about 74 years at the time of the alleged incident. So far, eight witnesses have been examined, and a substantial portion of the investigation has been completed. The learned Assistant Public Prosecutor and the learned Legal Aid Counsel for Respondent No.2 submit that, despite suggestions and warnings given by the neighbours, the petitioner continued to maintain an electric fence around his agricultural land, thereby causing the death of the father of Respondent No.2. The learned counsel for the petitioner submits that the electric fencing around the petitioner's agricultural fields was removed soon after the alleged incident and that no electric fencing is presently in existence around the said fields.

6. The petitioner is a permanent resident of Kota, Nellore District, and has a fixed place of abode. Subject to the imposition of stringent conditions, there is no likelihood of the petitioner absconding, threatening the witnesses, tampering with the evidence or hampering the further course of investigation.

7. Having regard to the facts and circumstances of the case, the nature and gravity of the allegations levelled against the petitioner, the period of

incarceration undergone by him and the stage of investigation, this Court is inclined to enlarge the Petitioner/Accused on bail, subject to certain stringent conditions.

8. In the result, the Criminal Petition is allowed with the following stringent conditions:

i. The Petitioner/Accused shall be enlarged on bail subject to his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for the like sum each to the satisfaction of the learned Additional Judicial Magistrate of First Class, Kota.

ii. The Petitioner/Accused shall appear before the Station House Officer concerned, on every Saturday in between 10:00 am and 05:00 pm, till filing of the charge sheet.

iii. The Petitioner/Accused shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.

iv. The Petitioner/Accused shall not commit or indulge in commission of any offence while on bail.

v. The Petitioner/Accused shall cooperate with the Investigating Officer in further investigation of the case and shall make himself available for interrogation by the Investigating Officer as and when required.

vi. The Petitioner/Accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court.

vii. The Petitioner/Accused shall surrender his passport, if any, to the Investigating Officer. If he claims that he does not have passport, he shall submit affidavit to that effect to the Investigating Officer.

DR. Y. LAKSHMANA RAO, J

Date: 11.11.2026
RSI

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8852 of 2026

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