APHC010527182026

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

FRIDAY, THE 13th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8849/2026

Between:

1. PANUGANTI CHAITANYA, S/O P. PULLA RAO, AGED ABOUT 36 YEARS, OCCUPATION SOFTWARE EMPLOYEE, R/O 62-18-880, YADAVA STREET, 1/4 CROSS ROAD, GUNTUR DISTRICT, ANDHRA PRADESH.
2. SRUNGARAPATI SANDEEP, S/O SAMBAIAH, R/O 2-127, UDDANDARAYUNIPALEM, GUNTUR DISTRICT, ANDHRA PRADESH.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMRAVATI. THROUGH THE STATION HOUSE OFFICER MACHAVARAM P.S, KRISHNA DISTRICT.
2. SUDHABATHULA SANTHOSH VENKATESHWARLU AGED ABOUT 34 YEARS, R/O D NO. 75-24-26, RANGOON SUBEDHA STREET, BHAVANIPURAM, VIJAYAWADA, KRISHNA DISTRICT.
3. CH VIDYASAGAR, S/O NOT KNOWN TO PETITIONERAGE AND R/O NOT KNOWN TO PETITIONER.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. S DUSHYANTH REDDY

Counsel for the Respondent/complainant(S):

1. VENKATA MOHAN RAO PATHAKOTA
2. POSANI AKASH
3. PUBLIC PROSECUTOR
4. LEGAL AID

The Court made the following:
ORDER:

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 and 2 for granting of pre-arrest bail in connection with Crime No.295 of 2026 of Machavaram Police Station, Krishna Disrict, registered for the alleged offences punishable under Sections 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the SC&ST (PoA) Act') and Sections 221, 223, 285, 127(2), 132, 189()3) and 109(1) of the Bharatiya Nyaya Sanhita, 2023 (for brevity, 'the BNS').

2. The case of the prosecution, in brief, is that on 21.09.2026 at about 11.00 a.m., at Gate No.1, Indira Gandhi Stadium, Vijayawada, the accused persons, along with others, formed an unlawful assembly, wrongfully restrained the complainant and his companions and attacked them with sticks and rods, causing injuries. They allegedly abused the victims in the name of their caste, threatened them with dire consequences and also attacked teachers who intervened. The accused further obstructed and assaulted police personnel who were performing bandobust duties and disobeyed the lawful orders of public servants. In the incident, the complainant and others

sustained injuries and were provided medical treatment. The complainant lodged a report seeking legal action and also furnished a pen drive containing video footage of the incident.

3. Heard Sri C. Raghu, the learned Senior Counsel appearing on behalf of Sri S. Dushyaanth Reddy, learned Counsel for the Petitioners, Sri M. Lakshminarayana, the learned Public Prosecutor and Sri P. Venkata Mohan Rao, the learned Legal aid Counsel for the Respondent No.2.

4. Sri C. Raghu, learned Senior Counsel appearing on behalf of Sri S. Dushyanth Reddy, the learned Counsel for the Petitioners submits that the Petitioners are innocent and have been falsely implicated in the present case. The allegations in the F.I.R., even if taken at their face value, do not disclose the essential ingredients of the offences alleged against them, and no specific overt acts are attributed to the Petitioners. It is further contended that the allegations relating to attempt to murder, wrongful confinement, assault on public servants and unlawful assembly are general in nature and do not attract the respective provisions of ‘the BNS’.

5. The learned Senior Counsel further submits that the allegations do not make out a *prima facie* offence under ‘the SC/ST (Prevention of Atrocities) Act.,’ and that the prosecution is also barred under Section 215 of ‘he BNSS.,’ for want of a complaint by the competent public servant. It is further submitted that the Petitioners apprehend arrest, have permanent residence and landed properties at Vijayawada, and there is no likelihood of their absconding or tampering with the evidence. The Petitioners are willing to cooperate with the

investigation, abide by any conditions imposed by this Court and submit that custodial interrogation is not necessary. Hence, it is urged to allow the Criminal Petition.

6. *Per contra,* Sri M. Lakshminarayana, the learned Public Prosecutor submits that the Petitioners/Accused Nos.1 and 2 are actively involved in the alleged offences and that the statements of the complainant, injured witnesses, police personnel and other witnesses *prima facie* establish their involvement. It is further submitted that the accused formed an unlawful assembly of more than 300 persons, assaulted the witnesses with sticks, rods and stones, abused L.W-2 in the name of his caste and also assaulted and obstructed police personnel while discharging their duties. In the investigation, material objects were seized and statements of L.Ws.1 to 26 were recorded, which disclose *prima facie* material against the Petitioners. It is further submitted that Accused No.1 and 2 are having rowdy sheets and previous criminal antecedents. The investigation is still in progress and the caste certificates of L.W-2 and the accused are awaited. Hence, the learned Public Prosecutor submits that the matter involves disputed questions of fact and the Criminal Petition is liable to be dismissed.

7. Sri P. Venkata Mohan Rao, Legal Aid Counsel for Respondent No.2, also opposed the petition and submits that the Petitioners and other accused persons formed an unlawful assembly, forcibly took away L.W-2 and assaulted him with sticks and iron rods with an intention to kill him. When Respondent No.2 and others intervened, they were also assaulted and

sustained injuries. It is further submitted that the accused persons obstructed the teachers and police personnel who intervened and that the incident is supported by video footage. Hence, it is urged to dismiss the Criminal Petition.

8. I have carefully considered the submissions advanced by the learned Counsel appearing for both sides and perused the entire record.

9. Now the point for consideration is:

> *"Whether the Petitioners/Accused Nos.1 and 2 are entitled for grant of pre-arrest bail?"*

10. As seen from the record, there are nineteen criminal adverse antecedents reported against the Petitioner No.1/Accused No.1 and twelve criminal adverse antecedents reported against the Petitioner No.2/Accused No.2. However, the Petitioners have not disclosed in the petition the said adverse antecedents reported against them.

11. 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.,**[1] wherein, at Paragraph Nos. 47 and 48, it was observed that bail applications are often considered on the basis of *prima facie* material placed before the Court at different stages of the proceedings. The Hon'ble Supreme 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 refusal 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

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[1] 2026 SCC Online 188

disclosure is necessary to ensure transparency, uniformity, and integrity in bail adjudication.

12. The revised Standing Order No.282(1) of this Court states that in every application for bail presented to the High Court, the Petitioner should 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.

13. Sri C. Raghu, learned Senior Counsel for the Petitioners relied on the judgment of the Hon'ble Supreme Court in **Hitesh Verma v. State of Uttarakhand**[2], at paragraph No.18 it is held as under:

> *"18… Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out."*

14. Thus, in **Hitesh Verma** *supra*, the Hon'ble Supreme Court observed that the mere fact that the informant belongs to a Scheduled Caste is insufficient to attract Section 3(1)(r) of 'the Act.,' unless the alleged act was committed with the intention to humiliate the victim on the ground of caste. Where the dispute is essentially with regard to possession of property, the

[2] (2020) 10 SCC 710

offence is not made out merely because the person allegedly abused belongs to a Scheduled Caste.

15. The learned Senior Counsel for the Petitioners has also relied on another judgment of the Hon'ble Apex Court in **Shajan Skaria v. State of Kerala**[3], at paragraph Nos.61 and 62 it is held thus:

> *"61... The words "with intent to humiliate" as they appear in the text of Section 3(1)(r) of the Act, 1989 are inextricably linked to the caste identity of the person who is subjected to intentional insult or intimidation. Not every intentional insult or intimidation of a member of a SC/ST community will result into a feeling of caste-based humiliation. It is only in those cases where the intentional insult or intimidation takes place either due to the prevailing practice of untouchability or to reinforce the historically entrenched ideas like the superiority of the "upper castes" over the "lower castes/untouchables", the notions of 'purity' and 'pollution', etc. that it could be said to be an insult or intimidation of the type envisaged by the Act, 1989.*
> *62. We would like to refer to the observations of this Court in Ram Krishna Balothia (supra) to further elaborate upon the idea of "humiliation" as it has been used under the Act, 1989. It was observed in the said case that the offences enumerated under the Act, 1989 belong to a separate category as they arise from the practice of 'untouchability' and thus the Parliament was competent to enact special laws treating such offences and offenders as belonging to a separate category. Referring to the Statements of Objects and Purposes of the Act, 1989 it was observed by this Court that the object behind the introduction of the Act, 1989 was to afford statutory protection to the Scheduled Castes and the Scheduled Tribes, who were terrorised and subjected to humiliation and indignations upon assertion of their civil rights and resistance to the practice of untouchability. For this reason, mere fact that the person subjected to insult or intimidation belongs to a Scheduled Caste or Scheduled Tribe would not attract the offence under Section 3(1)(r) unless it was the intention of the accused to subject the concerned person to caste-based humiliation."*

16. Ergo, in **Shajan Skaria** *supra,* the Hon'ble Apex Court held that the offence under Section 3(1)(r) of 'the Act.,' is attracted only when the intentional insult or intimidation is committed with the specific intention of causing caste-based humiliation. Mere insult or intimidation of a person belonging to a Scheduled Caste or Scheduled Tribe does not constitute an

[3] 2024 SCC OnLine SC 2249

offence unless the act is motivated by caste-based discrimination or is intended to reinforce caste-based prejudices and notions of untouchability.

17. Sri M. Lakshminarayana, the learned Public Prosecutor relied on the judgment of the Hon'ble Apex Court in **Vidadala Rajani v. State of A.P**[4], at paragraph Nos.23, 24, 26 and 27 it is held as under:

> *"23... We have carefully examined the relevant portions of the Act as well as the Code. As seen from the above judgments, it is clear that once the prima facie case is made out, the bar created under Section 18 and 18A of the Act would attract. However, when no prima facie material exists, the bar envisaged under Section 18 and 18A of the Act would not apply.*
> *24. So far as the forum is concerned, the Special Court and Exclusive Special Court are created and established under Section 2(bd) and Section 2(d) of the Act. Section 2(bd) of the Act, 1989 amply defines "Exclusive Special Court" as the Exclusive Special Court established under Sub-section (1) of Section 14 exclusively to try the offences under said Act & Section 2(d) of the Act, defines "Special Court" as a Court of Session specified as a Special Court in Section 14 of said Act. Ergo, a combined reading of Section 2(bd), 2(d), 14, 18 and 18A of said Act, entrenches the view that the Special Court or Exclusive Special Court, constituted under said Act, will acquire jurisdiction only when the prima facie case is made out against the accused. Once, prima facie case is not made out, the jurisdiction of the Special Court or Exclusive Special Court pertaining to applications filed for pre-arrest bail/anticipatory Bail will be ousted. Moreover, in such event, there is every possibility of the Special Court or exclusive Special Court sending the cases to the regular Court of Sessions*
> *26.More over, in the recent Full Court Judgment of the Hon'ble Apex Court in Kiran v. Rajkumar Jivraj Jain[11] [delivered on 01.09.2025], the Hon'ble Supreme Court, while setting aside the pre-arrest bail granted by the High Court of Judicature at Bombay, Bench at Aurangabad, has concurred with the view expressed in Prathvi Raj Chauhan's case and Shajan Skaria's case (Supra 5 and 6).*
> *27. In view of the reasons assigned supra, we answer Points No. 1 & 2 of the said Reference by holding that in the event prima facie case is not made out, the application for pre-arrest bail/anticipatory bail is maintainable under Section 438 Cr. P.C. before the High Court only and not before the Special Court or Exclusive Special Court constituted under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Further, the High Court retains its Concurrent as well as Original Jurisdiction under Section 438 of the Criminal Procedure Code, 1973 [present Section 482 of B.N.S.S, 2023] and also under Section 14-A of the Act."*

18. Hence, in **Vidadala Rajani** *supra,* the Hon'ble Apex Court held that the bar under Sections 18 and 18-A of 'the SC and ST (PoA) Act.,' is attracted only when a *prima facie* case is made out against the accused. In the absence of *prima facie* material constituting an offence under 'the Act.,' an application

[4] 2025 SCC OnLine AP 3404

for anticipatory bail is maintainable before the High Court under Section 438 of 'the Cr.P.C.,' (presently Section 482 of 'the BNSS'), and not before the Special Court or Exclusive Special Court. The High Court retains its original and concurrent jurisdiction to entertain such applications.

19. In **Chalivendra Ramakrishna v. State of A.P**[5], the Hon'ble Supreme Court at paragraph Nos.48 and 54 it is held as under:

> *"48. Since in the present crime incident not only offences under the Penal Code, 1860 but also offences under the Act, 1989 are alleged, the forceful argument raised by the State is that anticipatory bail petitions are not maintainable by virtue of Sections 18 and 18-A of the Act, 1989. The further argument is that the High Court does not now possess concurrent original jurisdiction for bails as well as anticipatory bails and it has only appellate jurisdiction by virtue of Section 14-A of the Act, 1989 and therefore, these petitions are to be dismissed. In such circumstances, this Court on 13-11-2024 requested the learned counsels on both sides to address arguments in that regard since the jurisdictional bar has arisen.*
> *54. The crisp response from the learned counsels for the petitioners is that the bar under Section 18 of the Act, 1989 would apply only to those cases where prima facie materials exist pointing towards the commission of an offence under the Act, 1989. If the necessary ingredients to constitute the offence under the Act, 1989 are not disclosed on the prima facie reading of the allegations levelled in the complaint or FIR then in such circumstances, the bar of Section 18 of the Act, 1989 would not apply and the courts would not be absolutely precluded from granting pre-arrest bail to the accused persons."*

20. So, in **Chalivendra Ramakrishna** supra, the Hon'ble Supreme Court that the bar under Section 18 of the 'the SC and ST (PoA) Act.,', against granting anticipatory bail applies only when the allegations prima facie disclose the commission of an offence under the said Act. Where the necessary ingredients of the offence are not made out on a prima facie reading of the complaint or FIR, the statutory bar would not operate, and the Court is not precluded from entertaining an application for pre-arrest bail.

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[5] 2025 SCC OnLine AP 22

21. In **K.D. Sharma v. SAIL**[6], the Hon'ble Apex Court at paragraph No.36 it is held as under:

> *"36. A prerogative remedy is not a matter of course. While exercising extraordinary power a writ court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the court, the court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating, "We will not listen to your application because of what you have done." The rule has been evolved in the larger public interest to deter unscrupulous litigants from abusing the process of court by deceiving it."*

22. Hence, In **K.D. Sharma v. SAIL** *supra*, the Hon'ble Apex Court held that the exercise of extraordinary writ jurisdiction is discretionary and not available as a matter of course. A party who approaches the Court with false statements, suppression of material facts or an attempt to mislead the Court may be denied relief on that ground alone, without examining the merits of the case, in order to prevent abuse of the process of the Court.

23. In **Neeru Yadav v. State of U.P**[7], the Hon'ble Supreme Court at paragraph No.15 held as under:

> *"15. This being the position of law, it is clear as cloudless sky that the High Court has totally ignored the criminal antecedents of the accused. What has weighed with the High Court is the doctrine of parity. A history-sheeter involved in the nature of crimes which we have reproduced hereinabove, are not minor offences so that he is not to be retained in custody, but the crimes are of heinous nature and such crimes, by no stretch of imagination, can be regarded as jejune. Such cases do create a thunder and lightning having the effect potentiality of torrential rain in an analytical mind. The law expects the judiciary to be alert while admitting these kind of accused persons to be at large and, therefore, the emphasis is on exercise of discretion judiciously and not in a whimsical manner."*

24. Consequently, in **Neeru Yadav** *supra,* the Hon'ble Supreme Court held that while considering a bail application, the Court must take into account the

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[6] (2008) 12 SCC 481

[7] (2016) 15 SCC 422

criminal antecedents and the nature and gravity of the offences alleged against the accused. The principle of parity alone cannot be the basis for granting bail, particularly when the accused is a history-sheeter involved in heinous offences. The discretion to grant bail must be exercised judiciously and not arbitrarily.

25. In **Brijmani Devi v. Pappu Kumar**[8], the Hon'ble Apex Court at paragraph Nos.20 and 21 held as under:

> *"20. Before proceeding further, it would be useful to refer to the judgments of this Court in the matter of granting bail to an accused as under.*
> *21. In GudikantiNarasimhulu [GudikantiNarasimhulu v. Public Prosecutor, A.P. High Court, (1978) 1 SCC 240 : 1978 SCC (Cri) 115] , Krishna Iyer, J., while elaborating on the content and meaning of Article 21 of the Constitution of India, has also elaborated the factors that have to be considered while granting bail which are extracted as under : (SCC p. 244, paras 7-9)*
> *"7. It is thus obvious that the nature of the charge is the vital factor and the nature of the evidence also is pertinent. The punishment to which the party may be liable, if convicted or conviction is confirmed, also bears upon the issue.*
> *8. Another relevant factor is as to whether the course of justice would be thwarted by him who seeks the benignant jurisdiction of the Court to be freed for the time being.*
> *9. Thus the legal principles and practice validate the Court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice. It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habituals, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further crimes on the members of society. Bail discretion, on the basis of evidence about the criminal record of a defendant, is therefore not an exercise in irrelevance."*

26. Accordingly, in **Brijmani Devi** *supra,* the Hon'ble Apex Court held that while considering the grant of bail, the Court must take into account the nature and gravity of the accusation, the nature of the evidence, the severity of the punishment in the event of conviction, the likelihood of the accused interfering with witnesses or obstructing the course of justice, and his criminal antecedents, particularly the possibility of committing further offences while on

[8] (2022) 4 SCC 497

bail. Bail discretion must be exercised judiciously, keeping in view the interests of justice and the protection of society.

27. In **Kaushalya Rani vs. Union of India**[9], the Hon'ble Supreme Court at paragraph Nos.7 and 18.1 held as under:

> *"7. The jurisdiction to grant anticipatory bail under Section 482 BNSS (erstwhile Section 438 Cr.P.C.) is an extraordinary discretionary and, equitable dispensation. Designed as a buffer against unnecessary/malicious arrest and police highhandedness, pre-arrest protection rests entirely on judicial discretion rather than statutory entitlement. Because a bail applicant/petitioner seeking anticipatory bail invokes the extraordinary equitable jurisdiction of the court to seek a pre-emptive protection, the plea is bound to be accompanied by uncompromising candor and complete disclosure in view of the doctrine of Uberrima Fides, i.e. the requirement of utmost good faith; which is not a mere rhetorical ornament, but the foundational pillar upon which extraordinary judicial remedies rest. While our criminal justice system purports to follow the adversarial model of adjudication, it cannot be reduced to a private contractual negotiation where parties retain the prerogative to disclose or conceal facts at their convenience. Judicial discretion is not a commodity to be bartered upon selective disclosures, nor is the court a stage for legal sleight of hand. A party invoking the extraordinary statutory concession of pre-arrest liberty owes a solemn duty of unreserved candor to the Court; failure whereof strikes at the very root of the adjudicatory process. The timeless maxim suppressioveri, suggestiofalsi, i.e. the suppression of the truth is equivalent to the suggestion of a falsehood, applies with uncompromising force. Where a litigant attempts to play "hide and seek" or "pick and choose" facts for judicial scrutiny, the court is fully empowered to refuse to enter upon the merits, leaving the suitor stranded at the threshold of equity.*
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> *8.1. Pertinently, reaffirming this stance, the Hon'ble Supreme Court in Firoj @ Farhu v. State of Rajasthan, 2025 Law Finder (SC) 6689, dismissed a bail petition without delving into the merits, strictly because the petitioner had asserted a clean record despite having multiple pending cases subsequently exposed by the counter-affidavit filed by the State/prosecution. The relevant part of Firoj @ Farhu (supra) reads thus:*
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> *"2. Failure to disclose past antecedents or withholding of information about the criminal cases pending against the petitioner/accused is a ground, in itself, to reject the prayer for grant of bail, as withholding of such relevant information would amount to abuse of process."*

28. In view of the above, in **Kaushalya Rani** *supra,* the Hon'ble Apex Court held that the jurisdiction to grant anticipatory bail under Section 482 of 'the BNSS.,' is extraordinary, discretionary and equitable in nature. An applicant

[9] MANU/PH/5878/2026

seeking such relief is under an obligation to make full and truthful disclosure of all material facts, including criminal antecedents and pending criminal cases. Suppression of material facts or furnishing misleading information amounts to an abuse of the process of the Court and, by itself, constitutes a valid ground to reject the application for anticipatory bail without examining the merits of the case.

29. In **K.M. Basheer v. Rajani K.T**[10], the Hon'ble Supreme Court at paragraph No.19, 20, 21, 25 and 26 held as under:

> *19. Similarly, in the decision in State of Andhra Pradesh through Inspector Geenral, National Investigation Agency v. Mohd. Hussain alias Saleem [(2014) 1 SCC 258], while dealing with the provisions of the MCOC Act, 1999 and UAPA Act, 1967, it was held that, in those statutes, the offences were triable only by a Special Court and an application for bail had to be moved before the Special Court itself. After considering the various provisions, the Supreme Court concluded that the remedy of an application for bail under section 439 or under section 482 is barred, and the application had to be filed before the Special Court itself.*
> *20. Yet again, in the decision in State of Gujarat v. SalimbhaiAbdulgaffor Shaikh [(2003) 8 SCC 50], while dealing with a case under POTA, the Supreme Court held that once a bail application is rejected, the party will have to move the High Court in appeal. It was further observed that it would be too incongruous a situation where the High Court exercised its jurisdiction on its original side as well as on its appellate side and to interpret a provision in such a manner would be an anomaly.*
> *21. With the aforesaid principles in mind, when the scope of section 14A of SC/ST Act is appreciated, it is evident that a specific right of appeal to the High Court, has been given against 'any order granting or refusing bail'. Further, a conscious and explicit intention is revealed from the provisions of the SC/ST Act to exclude the exercise of jurisdiction under section 438 of the Cr.P.C. However, taking note of the mandate of the Constitution, the Supreme Court observed in Prathvi Raj Chauhan's case that the powers for granting anticipatory bail can be exercised only in exceptional circumstances, and in the concurring judgment, it was observed that the 'Court has the inherent power to direct a pre-arrest bail'.*
> *25. The principles laid down by all the decisions mentioned above reiterate and point to the explicit intention of the Parliament to exclude the original jurisdiction of the High Court for granting bail. There is also an explicit intention to exclude the jurisdiction of the High Court to grant anticipatory bail. The statute, therefore, in its express stipulation, clearly indicates that a bail application can be filed under the SC/ST Act only before the Special Court or the Exclusive Special Court. The original*

[10] 2022 SCC OnLine Ker 4470

> *jurisdiction of the High Court under section 438 of Cr.P.C. is therefore, expressly and by necessary intendment completely excluded.*
> *26. There is yet another aspect. The question of the absence or existence of a prima facie case under the SC/ST Act is a finding of fact. The said finding of fact may have to be set aside, if an aggrieved party requires an order from a superior forum. Without setting aside the said finding, if a concurrent jurisdiction is given, it would again result in an anomalous situation where two contradictory orders may remain - one stating that a prima facie case is made out and another stating that a prima facie case is not made out. Such contradictory orders are not conducive to the rule of law.*

30. In such circumstances, in **K.M. Basheer** *supra* the Hon'ble Supreme Court held the provisions of 'the SC and ST (PoA) Act.,' particularly Section 14-A, provide a specific appellate remedy before the High Court against orders granting or refusing bail. The legislative scheme indicates that the jurisdiction to entertain bail applications vests primarily with the Special Court or Exclusive Special Court, thereby excluding the original jurisdiction of the High Court under Section 438 of 'the Cr.P.C.,' for granting anticipatory bail. Further, permitting concurrent jurisdiction may result in conflicting findings regarding the existence of a prima facie case under 'the Act.,' which would be contrary to the rule of law.

31. Indeed, as further seen from the record, the allegations levelled against the Petitioners are serious in nature. The prosecution specifically alleges that the Petitioners, along with more than 300 persons, formed an unlawful assembly, wrongfully restrained the complainant and three others and beat them with sticks, iron rods and stones, resulting in injuries. Every member of an unlawful assembly is liable for punishment for his mere membership in unlawful assembly. Unlawful assembly itself creates a specific offence. The Respondent No.3 suffered head injury. It is further alleged that the accused persons abused L.W.2 in the name of his caste and obstructed and beat the

police personnel who were discharging their official duties. The complainant has also furnished a pen drive containing video footage of the incident. Except Section 109(1) of 'the BNS.,' remaining Sections are punishable below seven years.

32. It is further evident from the submissions of the learned Public Prosecutor that the statements of L.Ws.1 to 26 have been recorded and material objects have been seized in the course of investigation. The prosecution further contends that the Petitioners are having rowdy sheets and previous criminal antecedents. The investigation is still in progress, and the caste certificates of L.W.2 and the accused are awaited. Accusations under the provisions of 'the SC and St (PoA) Act.,' are *prima facie* made out, hence, Sections 18 and 18-A of 'the SC and ST (PoA) Act.,' are applicable, no pre-arrest bail is maintainable. In such circumstances, the contention of the learned Senior Counsel that no specific overt acts are attributed to the Petitioners cannot be accepted at this stage. The allegations and the material collected in the course of investigation require further investigation by the investigating agency.

33. The remedy of pre-arrest bail, being an extraordinary and discretionary relief, cannot be granted to the Petitioners against whom specific overt acts are attributed. 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[11] and **Sushila Aggarwal v. State (NCT of Delhi)** [12] . Therefore, the request for grant of pre-arrest bail to the Petitioners/Accused Nos.1 and 2, does not appear to be convincing or reasonable. Hence, the Criminal Petition is devoid of merit and is liable to be dismissed.

34. 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:13.11.2026
Note:- LR Copy to be marked
B/o
KMS

[11] (1980) 2 SCC 565
[12] (2020) 5 SCC 1

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8849/2026

Between:

1. PANUGANTI CHAITANYA, S/O P. PULLA RAO, AGED ABOUT 36 YEARS, OCCUPATION SOFTWARE EMPLOYEE, R/O 62-18-880, YADAVA STREET, 1/4 CROSS ROAD, GUNTUR DISTRICT, ANDHRA PRADESH.
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...RESPONDENT/COMPLAINANT(S):

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DATE OF ORDER PRONOUNCED : 13.11.2026

SUBMITTED FOR APPROVAL:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

1. Whether Reporters of Local Newspapers may be allowed to see the Judgment? Yes/No

2. Whether the copy of Judgment may be marked to Law Reporters/Journals? Yes/No

3. Whether His Lordship wish to see the fair copy of the Judgment? Yes/No

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Dr. Y. LAKSHMANA RAO, J

*** THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO**

+ CRIMINAL PETITION NO:8849/2026

% 13.11.2026

 # Between:

1. DR.GADE KANNA RAO NAIDU, S/O BALARAMAMURTHY (LATE) AGED 65 YEARS, KAPU, D.NO. 34-5-5/132, FKLAT NO. 132, SRI PRAKASHA TOWERS, PRAJASAKTHI NAGAR, VIJAYAWADA, KRISHNA DISTRICT.

...PETITIONER

AND

1. MIRIYALA BHANU PRAKASH, S/O VEERA RAGHAVARAO, 36 YEARS, D.NO. 40-25-43, HEMALATHA ENCLAVE, KONERU CHENNAKESAVARAO STREET, PATAMATALANKA, VIJAYAWADA, KRISHNA DISTRICT.
2. MIRIYALA VEERA RAGHAVARAO, S/O PITCHIYYANAIDU, 67 YEARS, D.NO. 40-25-43, HEMALATHA ENCLAVE, KONERU CHENNAKESAVARAO STREET, PATAMATALANKA, VIJAYAWADA, KRISHNA DISTRICT.
3. MIRIYALA KRISHNA KUMARI, W/O VEERA RAGHAVARAO, 58 YEARS, D.NO. 40-25-43, HEMALATHA ENCLAVE, KONERU CHENNAKESAVARAO STREET, PATAMATALANKA, VIJAYAWADA, KRISHNA DISTRICT.
4. STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, THROUGH DEPUTY SUPERINTENDENT OF POLICE, CID, REGIONAL OFFICE, VIJAYAWADA, KRISHNA DISTRICT

...RESPONDENT(S):

! Counsel for the Petitioners : Sri C. Raghu Senior Counsel appearing on behalf Sri S. Dushanth Reddy

^Counsel for the Respondents : 1. M. Lakshminarayana Public Prosecutor
2. Sri.P. Venkata Mohan Rao

< **Gist:**

> **Head Note:**

? Cases referred:

1. 2026 SCC Online 188
2. (2020) 10 SCC 710
3. 2024 SCC OnLine SC 2249
4. 2025 SCC OnLine AP 3404
5. 2025 SCC OnLine AP 22
6. (2008) 12 SCC 481
7. (2016) 15 SCC 422
8. (2022) 4 SCC 497
9. MANU/PH/5878/2026
10. 2022 SCC OnLine Ker 4470