APHC010527232026

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

FRIDAY, THE 20th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8856/2026

Between:

1. KANCHARLA VENKATESWARA RAO, S/O. CHINAGOPAIAH AGED ABOUT 24 YEARS, OCCPHOTOGRAPHER, R/O. HUSSAIN NAGAR, PEDAKURAPADU MANDAL, PALNADU DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AMARAVATI, THROUGH THE STATION HOUSE OFFICER,PATTABHIPURAM POLICE STATION, GUNTUR.
2. VICTIM MOTHER, RESPONDENT NO.2 IS IMPLEADED AS PER THE COURT ORDER DATED 23.10.2026 IN I.A.NO.1 OF 2026 IN CRL.P.NO.8856 OF 2026.
3. VICTIM, RESPONDENT NO.3 IS IMPLEADED AS PER THE COURT ORDER DATED 30.10.2026 IN CRL.P.NO.8856 OF 2026.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. CKR ASSOCIATES

Counsel for the Respondent/complainant(S):

1. KONDETI RANGA SRINIVAS
2. PUBLIC PROSECUTOR
3. SRIDEVI JAMPANI

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.431 of 2026 of Pattabhipuram Police Station, Guntur District, registered for the alleged offences punishable under Sections 137(2) and 78 of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS') and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for brevity 'the POCSO Act')

2. The case of the prosecution in brief is that the de facto complainant lodged a report on 29.07.2026 stating that her daughter, Addagiri Jyothika, aged about 17 years, who was studying B.Tech II Year and residing in the college hostel at Guntur, was found missing from the hostel on 28.07.2026 and that she suspected the Petitioner, who was allegedly following her daughter, might have taken her away. Initially, the police registered the case as a Girl Missing case in Crime No.431/2026, showing the accused particulars as "No Accused". Subsequently, on the basis of the statement of one Swarna Tirupatamma, the case was altered to Sections 137(2) of 'the B.N.S.,' and 12 of 'the POCSO Act.' In the course of investigation, the alleged victim herself appeared before the police along with the Petitioner on 27.08.2026 and, in her statement, stated that she had been in love with the Petitioner for about four years, that she had voluntarily left the hostel along with him, that they travelled together to different places of their own

accord, and that they got married at Changalamma Thalli Temple, Sullurupeta, on 21.08.2026. She further stated that they had decided to approach the police on their own after exhausting their money.

2. It is further the case of the prosecution that, pursuant to the investigation, the Petitioner was arrested on 27.08.2026 and remanded to judicial custody. The Investigating Officer has already examined the complainant and other material witnesses, recorded their statements, visited the scene of offence, prepared a rough sketch, traced the alleged victim and recorded her statement.

3. Heard learned counsel for the Petitioner, learned Assistant Public Prosecutor, learned counsel for the Respondent No.2 and learned legal aid counsel for the Respondent No.3. Perused the record.

4. Sri. S.V.S.S. Sivaram, learned counsel for the Petitioner, submits that the Petitioner was not named in the original FIR and was implicated subsequently, whereas the statement of the alleged victim herself, as reproduced in the remand report, clearly indicates that she voluntarily left the hostel along with the Petitioner pursuant to their longstanding relationship and that they travelled and stayed together of their own accord. Learned counsel further submits that the alleged victim's age has not been established by any conclusive documentary evidence and that, during the proceedings in W.P.No.23501 of 2026, she appeared before this Hon'ble Court and expressed her unwillingness to stay with her mother. It is also contended that the investigation has substantially progressed, the

statements of the material witnesses have already been recorded and the Petitioner's further custodial detention is not required for any investigative purpose.

5. The learned counsel further submits that the grounds on which the earlier bail application was rejected have now been substantially addressed by placing the final order dated 07.09.2026 passed in W.P.No.23501 of 2026 before this Hon'ble Court. The Petitioner has been in judicial custody since 27.08.2026, is a permanent resident of Palnadu District, has deep roots in the community and there is no likelihood of his absconding or tampering with the prosecution evidence. It is further submitted that the pendency of the previous criminal case, in the absence of any conviction, cannot by itself be a ground to deny bail. The Petitioner is ready to abide by any conditions imposed by this Hon'ble Court. Hence, it is urged to allow the Criminal Petition.

6. Per contra*,* Smt. Sridevi Jampani, learned counsel for Respondent No.2, opposed the grant of bail, submitting that the Petitioner is a habitual offender and is facing trial in S.C. No.1136 of 2025 for offences under the BNS and ‘the POCSO Act’ involving the same victim. She submits that the DNA report confirmed the Petitioner’s paternity of the products of conception and that, while on bail in the earlier case, he allegedly kidnapped the victim from her college hostel and kept her in illegal custody for about thirty days, as supported by CCTV footage. The victim was produced before the police on 27.08.2026, after attaining majority, and her

date of birth was recorded as 16.08.2008 by this Court in W.P. No.23501 of 2026 based on her SSC certificate. She further submits that the alleged marriage is unsupported by documentary evidence and that the victim is unwilling to stay with the Petitioner and prefers to remain at Swadhar Home, Guntur. Hence, she contends that the Petitioner has misused the liberty of bail and his release may endanger the victim, enable him to influence or threaten her, and affect the fair trial. Hence, it is urged that the petition be dismissed.

7. Sri Kondeti Ranga Srinivas, learned Legal Aid Counsel for Respondent No.3 and Mr. A. Sai Rohith, learned Assistant Public Prosecutor opposed the grant of bail to the petitioner and submits that the alleged victim was a minor at the time of the incident and that the offences alleged against the Petitioner are serious in nature, attracting the provisions of ‘the POCSO Act’. She further submits that the Petitioner is involved in another criminal case registered under the provisions of ‘the BNS.,’ and ‘the POCSO Act.,’ indicating his alleged involvement in similar offences. It is further contended that the investigation is not yet completed, certain witnesses are yet to be examined and the medical certificate of the alleged victim is awaited. It is further submits that there is every likelihood of the Petitioner influencing the alleged victim or other material witnesses if he is enlarged on bail and, having regard to the nature and gravity of the allegations, the age of the alleged victim and the criminal antecedent of the Petitioner. Hence, it is urged that the petition be dismissed.

8. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

9. In the light of the case of the prosecution and the contentions of the learned Counsel for both the sides, now the point for consideration is:

"Whether the Petitioner is entitled for grant of bail?"

10. On perusal of the record, the victim/respondent No.3 is presently residing at Swadhar Home. She was born on 16.08.2008. She attained majority on 21.08.2026. She is pursuing B.Tech (II Year). She was directed to be produced before this Court. Accordingly, she was produced. She stated that she had left her home on her own will and without anyone's compulsion. She married the petitioner/Accused after she attained majority at Changalamma Thalli Temple, Sullurupeta. Thus, the petitioner and Respondent No.3 got married. When this Court interacted with Respondent No.3, she stated that the petitioner is her husband and that she intends to live with him.

11. The victim was aged about 18 years and 1 month as on the date of the alleged abduction. As both of them had attained majority, they got married. The petitioner surrendered before the Court and was arrested on 27.08.2026. He has been in judicial custody for the past 85 days.

12. Respondent No.2 is the mother of the victim/Respondent No.3. The FIR in the present case was lodged on 29.07.2026. On 16.08.2026, Respondent No.3 attained majority. It is further evident from the record that Respondent No.2, being the mother of Respondent No.3, had earlier

lodged a report with the Station House Officer, Pedakurapadu Police Station, which was registered as Crime No.67 of 2025.

13. The respondent No.2, who is the mother of respondent No.3 filed a Habeaus Corpus Petition in W.P.No.23501 of 2026. The learned Division Bench of this Court on 31.08.2026 passed the following order:

> "Mr.M.Hari Babu, learned counsel appeared on behalf of learned counsel for the petitioner.
>
> Mr.J.Krishna Praneeth, learned Assistant Government Pleader appeared on behalf of respondent Nos.1 to 4.
>
> Pursuant to the order dated 18.08.2026 the detenu was produced before this Court. The matter was taken up in the chamber.
>
> The detenu by name Ms.Addagari Jyothika, states that she and 5th respondent got married on 21.08.2026 in Chengalamma Temple, Sullurpet, Nellore District. On a specific query of this Court she states that she is not willing to stay with her mother/petitioner, rather preferred to stay in Swadhar Home, Guntur.
>
> Let the detenu be produced again on 07.09.2026 for passing of appropriate orders.
>
> List on 07.09.2026."

14. On 07.09.2026, another learned Division Bench of this Court at paragraph Nos.6 and 7 held under:

> "6. Considering that the detenu has attained majority as also she is not willing to stay with the petitioner but to stay at Swadhar home, this petition is disposed of observing that the detenu shall remain in Swadhar home till her wish for the purpose of her studies. So far as the cases pending against respondent No.5 under different crimes including the POCSO Act are concerned, they shall remain unaffected by virtue of this order.
>
> 7. Respondent No.4 shall ensure safe return of the detenu to the home."

15. Stating so above the writ petition was disposed of.

16. For all the above reasons, and having regard to the facts and circumstances of the case, the nature and gravity of the allegations leveled against the Petitioner/Accused, this Court is inclined to enlarge him on bail, subject to the certain stringent conditions.

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

i. The Petitioner/Accused shall be enlarged on bail subject to him 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 Special Judicial First Class Magistrate, For Prohibition and Excise, Guntur.

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 in future.

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 an affidavit to that effect before the Investigating Officer.

viii. The Petitioner/Accused shall furnish his permanent and temporary address details to the Investigating Officer/Station House Officer concerned.

DR. Y. LAKSHMANA RAO, J

Date: 20.11.2026.
VMM

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8856 of 2026

Date: 20.11.2026
VMM