APHC010546082026

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

MONDAY, THE 26th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9126/2026

Between:

1. NAIK ALIAS POMAR NAIK, S/., CHALAPATHI, AGED ABOUT 30 YEARS, OCC DRIVER,RIO., TATIGUNTAPALLI, SHIKARIPALEM VILLAGE, TATIGUNTAPALLI PANCHAYATH, VEERABALLI MANDAL, YSR KADAPA DISTRICT.

...PETITIONER/ACCUSED No.1

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. VARADAM SAI LIKHITH

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

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 Petitioner/Accused No.1 for granting of pre-arrest bail in connection with Crime No.131 of 2026 of Madanapalle II Town Urban Police Station,

Annamayya District, registered for the alleged offences punishable under Sections 318(4), and 308(5) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

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

3. Mr. Varadam Sai Likhith, the learned counsel for the Petitioner, submits that the Petitioner is innocent of the alleged offence and has been falsely implicated in this case. The Petitioner has not committed any offence. He is a law-abiding citizen. He has got fixed abode. The Petitioner undertakes to strictly abide by any conditions that may be imposed by this Court while granting pre-arrest bail. Hence, it is urged to allow the Criminal Petition.

4. *Per contra*, Mr.A.Sai Rohith, the learned Assistant Public Prosecutor, vehemently opposed the grant of pre-arrest 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 pre-arrest bail, there is a strong likelihood that he may abscond, thereby hampering the ongoing investigation and evading the process of law. Hence, it is urged to dismiss the Criminal Petition.

5. On perusal of the record, there are specific overt acts attributed against the Petitioner. The learned counsel for the Petitioner relied on the judgment of this Court in **Kakarla Narayanareddy @ Pedda Narayana v. State of A.P.,**[1]

[1] Crl.P.No.8673 of 2025, dated 30.08.2025

wherein this Court granted pre-arrest bail, referring to several judgments of the Hon'ble Apex Court and observing that the offence of extortion would not be attracted unless the allegations disclose that the offender put any person in fear of injury to that person or to any other person and thereby dishonestly induced the person so put in fear to deliver any property to any person.

6. Be that as it may, specific overt acts are attributed against the Petitioner. The learned counsel for the Petitioner submits that, except for the offence of extortion, the remaining offences are punishable with imprisonment for a term of less than seven years.

7. At any rate, in view of the specific overt acts attributed against the Petitioner, the grant of pre-arrest bail cannot be treated as a licence to commit serious offences or as a shield or protection against the consequences of having committed grave offences, as held by the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Punjab**[2] and **Sushila Aggarwal v. State (NCT of Delhi)**[3]**.** The remedy of pre-arrest bail, being an extraordinary and discretionary relief, has to be considered in the light of the facts and circumstances of each case.

8. Having regard to the entire facts and circumstances of the case, the nature and gravity of the allegations levelled against the Petitioner, and the specific overt acts attributed against him, this Court is not inclined to grant pre-arrest bail

[2] (1980) 2 SCC 565
[3] (2020) 5 SCC 1

to the Petitioner/Accused No.1 on bail at this stage. Accordingly, the Criminal Petition is liable to be dismissed.

9. 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: 26.10.2026
PRA

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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PRA