APHC010546392026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9135 OF 2026

Between:

1. Bheemi Reddy Malla Reddy, S/o. B. Mallikarjuna Reddy, Aged about 33 years, Occ: Software Engineer, R/o. Chennampalli Village, Bukkarayasamudram Mandal Ananthapuramu District.
2. Maheshwara Reddy Bheemi Reddy, S/o. Bheemi Reddy Gari Lakshmi Reddy, 50 Years R/o. Chennampalli Village, Bukkarayasamudram Mandal, Ananthapuramu District.
3. Bala Maheshwara Reddy Bala Siva Reddy, S/o. Gangi Reddy Gari Siva Reddy, 49 years R/o. O.C. Colony, Chennampalli Village, Bukkarayasamudram Mandal Ananthapuramu District.

...Petitioners/A-3, A-10 & A-14

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Amaravati.

...Respondent

Petition under Section 482 of BNSS/ Under Section 438 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to direct the Station House Officer, Bukkaraya Samudram Police Station, Anathapuram District to release the Petitioners/A-3, A-10 and A-14 on bail in the event of his arrest in connection with Crime No.123 of 2026 of Bukkaraya Samudram Police Station, Ananthapuramu District.

The Petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI O UDAYA KUMAR Counsel for the Petitioners, and of PUBLIC PROSECUTOR, for the Respondent, the Court made the following

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioners/Accused Nos.3, 10 & 14 for granting of pre-arrest bail in connection with Crime No.123 of 2026 of Bukkarayasamudram Police Station, Ananthapuram District registered for the alleged offences punishable under Sections 189(2), 118 (1) read with 190 of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

2. Mr. O Udaya Kumar, the learned counsel for the Petitioners, submits that the Petitioners are the innocent of the alleged offence and they have been falsely implicated by the police. They are law-abiding citizens. They have not committed any offence. They are the sole breadwinners of the family. The Petitioners undertake to strictly adhere to any conditions that may be imposed by this Court. Hence, it is urged to allow the Criminal Petition.

3. *Per contra*, Mr.A.Sai Rohith, the learned Assistant Public Prosecutor, vehemently opposed the grant of pre-arrest bail to the Petitioners, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the Petitioners are released on pre-arrest bail, there is a strong likelihood that they may abscond, thereby hampering the ongoing investigation and evading the process of law. Hence, it is urged to dismiss the Criminal Petition.

4. Heard the learned Counsel for the Petitioners and the learned Assistant Public Prosecutor. Perused the record.

5. On perusal of the record, a specific overt act is attributed against the Petitioner No.1/Accused No.3, namely that he, along with Accused No.4, allegedly beat the de-facto complainant with iron rods, causing grievous injuries to his head. However, insofar as Petitioner Nos. 2 and 3/Accused Nos.10 and 14 are concerned, no specific overt acts have been attributed against them, and the allegations against them are omnibus in nature.

6. Having regard to the entire facts and circumstances of the case, and the gravity and nature of the allegations against Petitioner Nos.2 & 3/Accused Nos.10 & 14, this Court deems it fit to grant pre-arrest bail to Petitioner Nos.2 & 3/Accused Nos.10 & 14 subject to the following conditions:

i. In the event of their arrest, the Petitioner Nos.2 & 3/Accused Nos.10 & 14 shall be enlarged on bail subject to her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Thousand only) each with two sureties each for the like sum each to the satisfaction of the arresting police officials;

ii. The Petitioner Nos.2 & 3/Accused Nos.10 & 14 shall make themselves available for investigation as and when required;

iii. The Petitioner Nos.2 & 3/Accused Nos.10 & 14 shall appear before the Station House Officer concerned once in a week i.e., on every Saturday between 10.00 a.m. and 5.00 p.m., till filing of the Charge Sheet.

iv. The Petitioner Nos.2 & 3/Accused Nos.10 & 14 shall not leave the limits of the State of Andhra Pradesh without the express permission from the Station House Officer concerned.

v. The Petitioner Nos.2 & 3/Accused Nos.10 & 14 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.

vi. The Petitioner Nos.2 & 3/Accused Nos.10 & 14 shall surrender their passports, if any, to the Investigating Officer. If they claim that they do not have passports, they shall submit affidavits to that effect to the Investigating Officer.

7. In view of the specific overt acts attributed against the Petitioner No.1/Accused No.3, this Court is not inclined to grant pre-arrest bail to the petitioner, as it would amount to giving a shield, protection or licence to the petitioner in respect of the specific allegations levelled against him, as per the judgments of the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Panjab**[1]and **Sushila Aggarwal v. State of (NCT of Delhi)**[2].

8. The learned counsel for the petitioner seeks permission for the Petitioner No.1/Accused No.3 to surrender before the learned Jurisdictional Court for grant of regular bail.

9. In view of the law laid down by the Hon'ble Supreme Court in **Om Prakash Chhawnika alias Om Prakash Chabnika v. State of Jharkhand**[3], particularly in paragraph Nos.12 and 13, wherein it was held that the High Courts should exercise caution in entertaining unnecessary anticipatory bail applications and that, upon rejection of an anticipatory bail application, the Court has no jurisdiction to direct the petitioner to surrender and seek regular bail before the concerned Court. Though the Court may reject the anticipatory bail application, it cannot compel the petitioner to surrender. Therefore, the question of granting permission to surrender does not arise.

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[1](1980) 2 SCC 565
(2020) 6 SCC 1
[3] 2026 SCC OnLine SC 676

10. Be that as it may, Section 437 of 'the Cr.P.C.,'/Section 480 of 'the BNSS' enables the Petitioner No.1 to appear before the learned Jurisdictional Court concerned, which may be the Magistrate Court or a Special Court exercising the powers of a Magistrate, while dealing with the case. The learned Magistrate may pass appropriate orders, either remanding him to judicial custody in respect of an offence not punishable with death or imprisonment for life, or enlarging the Petitioner No.1 on bail, subject to such conditions as may be imposed.

11. Therefore, no order is required to be passed by this Court in view of the law laid down by the Hon'ble Supreme Court in **Om Prakash Chhawnika alias Om Prakash Chabnika** *supra*, and the petitioner is always at liberty to appear before the learned Jurisdictional Court concerned by invoking the jurisdiction of the said Court under Section 437 of 'the Cr.P.C.,'/Section 480 of 'the BNSS'. Accordingly, this Court finds no merit in the Criminal Petition against Petitioner No.1/Accused No.3, and the same is liable to be dismissed.

12. Hence, the Criminal Petition, insofar as it relates to Petitioner No.1/Accused No.3 seeking pre-arrest bail, is dismissed. The Criminal Petition, insofar as it relates to Petitioner Nos.2 & 3/Accused Nos.10 & 14, is allowed.

13. In the result, the Criminal Petition is partly allowed.

//TRUE COPY//

SD/- CH.R.N.SAROJINI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Station House Officer, Bukkaraya Samudram Police Station, Ananthapuram District
2. One CC to SRI. O UDAYA KUMAR Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
4. One spare copy

HIGH COURT

DR.YLR,J

DATED:27/10/2026

BAIL ORDER

CRLP NO. 9135 OF 2026

PARTLY ALLOWED

