APHC010554312026

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

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL APPEAL NO: 644/2026

Between:

1. ADUSUMILLI VENKATA SIVA RANGA RAO, S/O SOBHANA CHALAPATHI RAO,AGE 50 YEARS, RESIDENT OF D. NO. 21-41, GROUND FLOOR,HDFC BANK BUILDING, TIRUVURU MUNICIPALITY, NTR DISTRICT.

...APELLANT

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ,ITS PUBLIC PROSECUTOR,THROUGH THE PARVATHIPURAM TOWN POLICE STATION,HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI.
2. K MADHURI, REVENUE DIVISIONAL OFFICER,PARVATHIPURAM, MANYAM DISTIRCT-535501.

...RESPODENT(S):

Counsel for the Apellant:

1. BANKA NAGESWARA RAO

Counsel for the Respodent(S):

1. KONDETI RANGA SRINIVAS
2. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

Criminal Appeal is filed under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the SCs & STs (PoA) Act.,'), against the order dated 30.09.2026 passed by the learned Special Judge for Trial of Cases under SC ST (POA) Act-cum-IV Additional District & Sessions Judge, Vizianagaram, in Crl.M.P.No.1060 of 2026 in Cr.No.134 of 2026 of Parvatipuram Town Police Station . By that order, the application for regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') was dismissed.

2. Sri Banka Nageswara Rao, learned Counsel for the Appellant submits that the Appellant was arrested on 11.09.2026 and has been languishing in judicial custody for the last 47 days. It is submitted that a substantial part of the investigation has already been completed and that the continued incarceration of the Appellant is no longer warranted for the purpose of investigation. Learned Counsel further submits that the Appellant is a Government servant with deep roots in society, and therefore there is neither any possibility of his absconding nor any likelihood of his evading the due process of law. It is also submitted that the Appellant is willing to scrupulously abide by any condition that may be imposed by this Court while considering his enlargement on bail. Learned Counsel urges that the present Criminal Appeal be allowed and the Appellant be enlarged on bail.

3. Per contra, Sri A.Sai Rohith, learned Assistant Public Prosecutor, vehemently opposed the appeal and submits that the investigation is still

underway and has not attained finality. He further submits that the investigation is at a crucial and progressive stage, and certain material witnesses are yet to be examined. It is therefore contended that granting bail to the Appellant at this juncture may prejudice the ongoing investigation and it is urged to dismiss the Criminal Appeal.

4. The learned Assistant Public Prosecutor while submitting his arguments brings to the notice of this Court about the written instructions/objections given by the Respondent No.2 to the learned Public Prosecutor, those are mentioned as under:

> *"1. I am Respondent No. 2 and the de facto complainant in Crime No. 134/2026. Notice of the hearing listed on 23.10.2026 has reached me at very short notice, leaving insufficient opportunity to arrange personal attendance. I wish to appear before the Hon'ble High Court and place the facts personally if a reasonable opportunity is afforded. Kindly bring this to the Court's attention and request a brief accommodation in terms of my right to timely notice and hearing under Section 15A(3) and (5) of the SC/ST (Prevention of Atrocities) Act. The following instruction, may however be placed if the court prpceeds on the matter.*
> *2. The appellant seeks reversal of the order dated 30.09.2026 in Crl.M.P. No. 1060/2026 refusing him bail and prays for release in the above crime, besides relief in the connected interlocutory application. He pleads false implication, absence of specific allegations, completion of investigation, absence of caste-related or other abusive language, lack of criminal antecedents and ill health. These grounds must be considered in the light of the earlier official proceedings, the subsequent incident and the reasons recorded by the Special Judge.*
> *3. This is not the first occurrence concerning the appellant. While I was serving as Revenue Divisional Officer, Tiruvuru, I submitted a complaint on 18.02.2026 regarding his persistent unwanted messages and telephone calls, including calls from different numbers after I had blocked him. The complaint also recorded that, on the same morning, he banged on the windows and doors of my vehicle and attempted to barge in, in public. These matters are recorded in the Collector and District Magistrate, NTR District's proceedings Rc.Admn-4/84/2026 dated 19.02.2026, long before registration of the present FIR.*
> *4. The said proceedings further record that the appellant appeared before the Internal Complaints Committee on 18.02.2026, admitted sending messages and making telephone calls to me, requested that his mistakes be excused, and specifically assured that he would not repeat them. On the Committee's report, the Collector surrendered*

his services to the Commissioner and Director of Agriculture and directed that he be relieved immediately. The admission, assurance and consequential official action are evidenced by the Collector's own proceedings; they are not later assertions made for the purposes of this criminal case.

5. The intervention did not bring the conduct to an end. Even after my transfer to Parvathipuram, the appellant continued attempting to contact me through social media and different telephone numbers. After I blocked his personal numbers, he obtained and contacted me on my official number as well. The continued efforts to reach me despite my express refusal form part of my complaint and the remand report.

6. On 09.09.2026, at about 1.50 p.m., the appellant came to the RDO Office, Parvathipuram, where I was then discharging official duties.

7. The plea of complete innocence and false implication must be examined against this sequence. The appellant's February admission and assurance stand independently recorded by the Collector; the subsequent conduct at my new place of posting is set out in the remand report, with named witnesses and electronic material collected during investigation. The remand report records examination of six witnesses, collection of electronic material from my phone and seizure of the appellant's mobile phone. These are the materials counsel may specifically bring to the Court's attention when the appellant describes the case as fabricated or devoid of particulars.

8. The appellant's assertion that examination of witnesses by the police removes every risk to the prosecution is equally misplaced. Recording statements during investigation does not place the witnesses beyond the possibility of pressure before their evidence is recorded at trial. The material witnesses include officials who were present in the chamber. More importantly, the risk of renewed approaches to me is demonstrated by the February assurance followed by the conduct giving rise to the current case.

9. The plea that no caste-name abuse was uttered does not answer the offence invoked under Section 3(2)(va) of the SC/ST Act. The relevant questions include commission of a scheduled offence and knowledge of my Scheduled Tribe status. The appellant knew me personally from our earlier association at Tiruvuru and repeatedly sought personal contact over an extended period. Counsel may invoke Section 8(c), under which proof of the accused's personal knowledge of the victim or her family attracts a rebuttable presumption of knowledge of the victim's caste or tribal identity. My caste certificate was also furnished with the complaint. The absence of a caste-related expression is therefore not, of itself, a ground for treating the SC/ST Act charge as baseless.

10. The medical plea was considered by the Special Judge, who observed that the cardiology certificate relied upon was dated 28.05.2020 and that adequate recent evidence of the appellant's then-current condition was not furnished. I have further medical records which do not support any present medical emergency warranting his release, and these can be supplied for appropriate production before the Court. His government employment and absence of an earlier criminal case do not erase the earlier recorded admission or the subsequent conduct.

> *11. The learned Special Judge, by the reasoned order dated 30.09.2026, considered the earlier official proceedings and the continuation of harassment notwithstanding them, and declined bail on account of the risk of interference with the investigation and further harassment. The particular gravity here lies in the persistence: the appellant, himself a Gazetted Officer, gave an assurance to a formal Committee and nevertheless came to my next workplace, during office hours, and persisted with the very conduct complained of. I remain apprehensive of renewed contact and interference with persons who witnessed the incident. A fresh promise to refrain from contact does not adequately meet what the earlier assurance failed to prevent."*

5. Sri K.Ranga Srinivas, learned Legal Aid Counsel for Respondent No.2, also opposed the grant of bail and submits that the allegations levelled against the Appellant are grave, *prima facie* supported by the material collected during the course of investigation, and disclose his active involvement in the commission of the alleged offence. Learned Legal Aid Counsel further submits that if the Appellant is enlarged on bail at this stage, there exists a substantial apprehension that he may interfere with the ongoing investigation, influence or intimidate prosecution witnesses, including the de-facto complainant, and thereby hamper the administration of criminal justice. In view of the seriousness of the accusations and the stage of investigation, learned Legal Aid Counsel urges this Court to dismiss the Criminal Appeal.

6. Thoughtful consideration is bestowed upon the arguments of the learned Counsel for the Appellant and the learned Legal Aid Counsel for Respondent No.2 and the learned Assistant Public Prosecutor and perused the material on record.

7. A perusal of the material placed on record discloses that the Appellant is a Government servant and had previously discharged his duties as Assistant Director of Agriculture, Tiruvuru. The de-facto complainant, who belongs to the

ST community, is presently serving as the Revenue Divisional Officer, Parvathipuram. The gravamen of the allegations levelled against the Appellant is that he persistently subjected the de-facto complainant to acts of harassment, stalking, intimidation, unsolicited communications and public humiliation, thereby causing grave mental distress and inconvenience. The prosecution case, at this stage, is founded upon allegations of a continuing course of conduct allegedly perpetrated by the Appellant against the de-facto complainant.

8. This Court had directed issuance of notice under Section 15-A of 'the SCs & STs (PoA) Act.,' to the de-facto complainant. Despite effectual service of such notice, the de-facto complainant, who herself is a public servant, did not choose to engage Counsel to represent her cause before this Court. In order to ensure an effective and meaningful adjudication of the issues involved and to facilitate a fair hearing, this Court deemed it appropriate to secure legal assistance on behalf of Respondent No.2. Consequently, Sri K.Ranga Srinivas was appointed as learned Legal Aid Counsel, and this Court places on record its appreciation for the valuable assistance rendered by the learned Counsel in advancing the interests of Respondent No.2 and addressing the concerns arising under the statutory framework.

9. It is evident from the record that, thus far, statements of six witnesses have been recorded in the course of investigation and all such witnesses appear to be persons acquainted with the material facts and surrounding circumstances of the case. The Appellant was arrested on 11.09.2026 and has

remained in judicial custody for a period of approximately forty-seven days. Significantly, all the offences alleged against the Appellant are punishable with imprisonment for a term below seven years. Though the learned Assistant Public Prosecutor and the learned Legal Aid Counsel for Respondent No.2 submits that certain witnesses remain to be examined, this Court finds that, having regard to the present stage of investigation and the material already collected, the likelihood of such remaining witnesses being of a substantially decisive or determinative nature does not appear *prima facie* significant so as to warrant indefinite curtailment of the Appellant's liberty.

10. Having regard to the facts and circumstances of the case, gravity and nature of the allegations levelled against the Appellant, the status of the ongoing investigation, the period of incarceration already undergone by the Appellant, this Court is of the considered view that the ends of justice would be adequately secured by enlarging the Appellant on bail subject to stringent and carefully calibrated conditions. Such conditions, in the opinion of this Court, would sufficiently regulate the future conduct of the Appellant and allay any reasonable apprehension regarding interference with the investigation or intimidation of witnesses.

11. Accordingly, the Criminal Appeal is allowed. The order dated 30.09.2026 passed in Crl.M.P. No.1060 of 2026 in Crime No.134 of 2026 is set aside and the Appellant/Accused shall be enlarged on bail subject to the following conditions:

i. The Appellant/Accused shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two

sureties for the like sum each, to the satisfaction of the learned Additional Judicial First Class Magistrate, Parvathipuram.

ii. The Appellant/Accused and his sureties shall furnish their permanent residential addresses and valid identity particulars before the concerned police authorities and shall keep the authorities informed of any change in address from time to time.

iii. The Appellant/Accused shall not indulge in any activity similar to the allegations attributed to him in the present case.

iv. The Appellant/Accused shall not visit the office premises or place of functioning of Respondent No.2.

v. The Appellant/Accused shall not, either directly or indirectly, contact, communicate with, approach, influence, threaten or intimidate Respondent No.2 through any mode whatsoever, including telephonic communication, electronic messaging services, or social media platforms.

vi. The Appellant/Accused shall not enter the territorial limits of the district in which Respondent No.2 is presently discharging her official duties.

vii. The Appellant/Accused shall appear before the Station House Officer, Tadepalligudem Town Police Station, on every Sunday between 10:00 A.M. and 5:00 P.M., until further orders.

viii. The Appellant/Accused shall make himself available before the Investigating Officer as and when required and shall extend full cooperation for the purpose of investigation.

ix. The Appellant/Accused shall refrain from making any statements, comments or disclosures pertaining to the

merits or demerits of the present case before the print media, electronic media, digital platforms or social media.

x. In the event of any violation or infraction of the aforesaid conditions, it shall be open to the Investigating Officer to move the competent Court by filing an appropriate application seeking cancellation of the bail granted to the Appellant/Accused, and such application shall be considered in accordance with law.

DR. Y. LAKSHMANA RAO, J

Date: 28.10.2026
VTS