APHC010568672026

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

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION Nos: 9552, 9553, 9554 & 9567 of 2026

Crl.P.No.9552 of 2026

Between:

1. THUNGA RAVINDRA REDDY, ABC

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, abc

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. V SAI KUMAR

Counsel for the Respondent/complainant:

1.

Crl.P.No.9553 of 2026

Between:

1. GUNTI VENKATA GURU NAGENDRA @ GANTI NAGENDRA, ABC

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, abc

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. V SAI KUMAR

Counsel for the Respondent/complainant:

1.

Crl.P.No.9554 of 2026

Between:

1. BANDI NITYANANDA REDDY, ABC

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, abc

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. V SAI KUMAR

Counsel for the Respondent/complainant:

1.

Crl.P.No.9567 of 2026

Between:

1. BUCHIGALLA SAMSON @ SYAMYUS, S/O. BUCHIGALLA SANTENA, AGED ABOUT 50 R/O. D. NO. 6/124, KANAPARTHI, KONDAPETA, BAYANAPALLI KADAPA DISTRICT. (A3).
2. DEVATHALA ANIL KUMAR, S/O. DEVATHALA SUDHAKAR, AGED ABOUT 47 YEARS, R/O. H.NO.20-1, KANDI PALEM, HOSANNA MANDHIR, YERRAMUKKAPALLI, YSR KADAPA DISTRICT. (A4).
3. BHUMIREDDY PAVAN KUMAR REDDY, S/O. BHUMIREDDY BHASKAR REDDY AGED ABOUT 32 YEARS, R/O. H.NO.9/140-1, SAL PETA, YSR KADAPA DISTRICT. (A7).
4. RAMAPURAM PULLAIAH, S/O. LATE RAMAPURAM ANDRUSH, AGED ABOUT 52 YEARS, R/O. H.NO. 1/1679-2, YERRAMUKKAPALLI, YSR KADAPA DISTRICT (A9).
5. RAMAPURAM VAMSI NARASIMHA, S/O. RAMAPURAM PULLAIAH AGED ABOUT 22 YEARS, R/O. H.NO. 1/1679-2, YERRAMUKKAPALLI, YSR KADAPA DISTRICT. (AIO).

6. SANJAPURI ANIL KUMAR, S/O. LATE SANJAPURI BALA RAMAIAH, AGED ABOUT 48 YEARS, R/O. D. NO. 1/1622, YERRAMUKKAPALLI, YSR KADAPA DISTRICT (ALL).
7. AVULA MURALI KRISHNA @MERIS, S/O. AVULA SRINIVASULU, AGED ABOUT 46 YEARS, R/O. H.NO.93-67-735, INDIRA NAGAR, C.K.DINNE MANDAL, MAMILLAPALLE (RURAL) MAMILLAPALLI, YSR KADAPA DISTRICT. (A13).
8. MOTHUKURU SUBBARAYUDU, S/O. LATE MOTHUKURU LAKSHUMAIAH, AGED ABOUT 43 YEARS, R/O. H.NO.1/1250, NEW SIVALAYAM STREET Y M PALLI YSR KADAPA DISTRICT. (A18)

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, ASrep by Public Prosecutor, High Court of Andhra Pradesh, High Court Buildings at Nelapadu, Guntur District, Andhra Pradesh.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. V SAI KUMAR

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:
COMMON ORDER:

These four Criminal Petitions are heard together and are being disposed of by way of this common order, as they arise out of same crime but the Petitioners are different.

2. Criminal Petition No.9552 of 2026 has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused No.6; Criminal Petition No.9553 of 2026 has been filed under Section 482 of 'the BNSS', seeking to enlarge the

Petitioners/Accused Nos.2, 5, 14, 16, 17, 19, 20, 21, 22; Criminal Petition No.9554 of 2026 has been filed under Section 482 of 'the BNSS', seeking to enlarge the Petitioner/Accused No.1 and Criminal Petition No.9567 of 2026 has been filed under Section 482 of 'the BNSS', seeking to enlarge the Petitioners/Accused Nos.3, 4, 7, 9, 10, 11, 13, 18 on bail in Crime No.138 of 2026 of Kadapa I Town Police Station, registered for the alleged offences punishable under Sections 191(2), 191(3), 109, 115(2), 324(5), 351(2), 351(3) read with 190 of 'the BNS'.

3. The genesis of the prosecution case lies in a report lodged by one Kona Ramesh Reddy, a driver by vocation, wherein it is alleged that on 17.10.2026 at about 12:15 PM, near Gandhi Nagar Municipal High School, Kadapa, while the de-facto complainant along with his associates was proceeding in two motor vehicles bearing Nos.AP40 EQ 3555 and AP05 CW 5555, Accused Nos.1 to 10, accompanied by nearly seventy others, having allegedly constituted themselves into an unlawful assembly, wrongfully intercepted them and launched a concerted attack armed with deadly weapons, under the mistaken belief that the occupants belonged to a rival political faction. It is further alleged that, in the course of the said occurrence, the assailants caused extensive damage to the aforesaid vehicles, resulting in a loss estimated at Rs.3,00,000/- to each vehicle. On the strength of the said allegations, the police registered the crime.

4. In Criminal Petition No.9554/2026 the de-facto complainant has filed an application in I.A.No.2 of 2026 for impleading him as Respondent No.2. After

hearing both sides the application is allowed. Respondent No.2 is being represented by Counsel.

5. Heard Sri O.Manohar Reddy, learned Senior Counsel appearing on behalf of Sri V.Sai Kumar, learned Counsel for the Petitioners, Sri M.Lakshmi Narayana, learned Public Prosecutor and Sri Venkateswarlu Posani, learned Senior Counsel appearing on behalf of Sri Akash Posani, learned Counsel for Respondent No.2 in Crl.P.No.9554 of 2026.

6. Sri O.Manohar Reddy, learned Senior Counsel appearing on behalf of Sri V.Sai Kumar, learned Counsel for the Petitioners submits that the FIR is a product of political rivalry, registered with the collateral object of disabling the Petitioners from participating in the ensuing Kadapa Municipal Corporation elections. The complainant is a driver from Pulivendula with no connection to the Petitioners, and the FIR was lodged on the very day of the alleged incident, without prior complaint or corroborative material. The Petitioners were arrayed as accused solely on account of their political affiliation. The FIR makes only a general, omnibus allegation against A1 to A10 and 70 others, without attributing any specific overt act, role or weapon to any Petitioner. No recovery is to be effected from them. Reliance is placed on **Pawan Khera v. State of Assam**[1], where the Hon'ble Supreme Court held that courts must be extra vigilant where proceedings are coloured by political rivalry, and that the criminal process must not imperil individual liberty.

[1] 2026 SCC OnLine SC 749

7. It is further submitted that the ingredients of Section 109 of 'the BNS.,' are not made out. By the complainant's own version, the injuries are merely swell injuries. There is no medical evidence of grievous or life-threatening hurt, and no intention or knowledge to cause death. The allegation that the accused wished to win elections easily by murdering the complainant's group is inherently absurd. The remaining offences are punishable with less than seven years' imprisonment, so the mandate of **Arnesh Kumar v. State of Bihar**[2] has not been followed. The Petitioners in Crl.P.No. 9567 additionally point out that Accused No.3 himself suffered grave injuries at the place of nominations on the same day, and that an MLC is registered in his favour. This shows that the FIR is a counterblast, and that the complainant's version is highly disputed and cannot be tested without a trial. It is also pointed out that the Respondent furnished no copy of the FIR to the petitioner in Crl.P.No.9554 of 2026 (Accused No.1), who is the husband of the contesting Mayoral candidate.

8. Eventually, Sri O.Manohar Reddy, learned Senior Counsel for the Petitioners submits that the Petitioners are permanent residents with deep roots in society and no flight risk. The incident occurred in a public place, the statements of the complainant and witnesses have already been recorded, and the investigation rests largely on documentary evidence, so there is no possibility of tampering. Custodial interrogation is unnecessary, and the balance of convenience and the interests of justice favour the Petitioners.

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[2](2014) 8 SCC 273

Except for Accused No.18, none of the Petitioners has criminal antecedents, and no other bail applications are pending before the Hon'ble Supreme Court. Arrest would cause irreparable harm and social stigma and would also prevent the Petitioners from campaigning in the elections. They undertake to cooperate fully with the investigation and to abide by any conditions imposed and it is urged to allow the Criminal Petitions.

9. On the other hand, Sri M.Lakshmi Narayana, learned Public Prosecutor vehemently opposed the petitions submits that the allegations are grave. A pre-planned attack by an unlawful assembly of about 80 persons armed with deadly weapons, on a public road during the nomination period, strikes at the very root of free and fair elections. The offence under Section 109 of 'the BNS.,' is made out on the face of the FIR, and the nature of the injuries is a matter for medical evidence, not for pleadings at this stage. The investigation is at a nascent stage, and the identities and roles of many of the assailants are yet to be established. Custodial interrogation is essential to recover the weapons used, to identify the remaining members of the assembly and to unravel the conspiracy. Granting blanket protection would hamper the investigation. The plea of political vendetta is a bald assertion without material. The accused cannot invoke political affiliation as a shield against the criminal law, and the allegation that the FIR was engineered for electoral advantage is for the learned Trial Court to test. Several Petitioners were arrayed as accused after the statements of eyewitnesses were recorded.

10. The learned Public Prosecutor further submits that the Petitioners have bypassed the Court of Session without disclosing any exceptional circumstance justifying direct recourse to this Court. Concurrent jurisdiction is not a licence to disregard the ordinary hierarchy. The apprehension of arrest alone cannot justify the invocation of Section 482 of 'the BNSS.,' in the first instance. The counter-case of Accused No.3 is a separate crime that must be investigated independently, and the MLC registered in his favour does not wash away the allegations in this FIR. Given that the Petitioners are influential political workers, and that witnesses are residents of the same locality and the election period is at its height, there is a real risk of witnesses being influenced or intimidated if interim protection is granted and it is urged to dismiss the Criminal Petitions.

11. Supporting the submissions advanced by the learned Public Prosecutor, Sri Venkateswarlu Posani, learned Senior Counsel appearing on behalf of Sri Akash Posani, learned Counsel for Respondent No.2, vehemently opposed the grant of anticipatory bail to the Petitioner/Accused No.1. It is contended that the Petitioner has suppressed material facts and has not approached this Court with the candour and *bona fides* expected from a litigant seeking the extraordinary and discretionary relief of pre-arrest bail. Learned Senior Counsel submits that the Petitioner is involved in grave criminal cases and was recently arrested in a case relating to the offence of murder, from which he was subsequently enlarged on bail. Significantly, these adverse criminal antecedents were not disclosed in the present proceedings and were brought

to the notice of this Court only upon the intervention of the learned Public Prosecutor during the house motion hearing. Such deliberate suppression of material particulars, it is argued, disentitles the Petitioner from invoking the equitable jurisdiction of this Court. It is further contended that the Petitioner bypassed the ordinary and efficacious remedy available before the learned Sessions Judge and directly approached this Court without demonstrating the existence of any exceptional, special, or extraordinary circumstances warranting such a course. Learned Senior Counsel therefore submits that the Petition is liable to be rejected on this ground alone.

12. It is further argued that the Petitioner has sought to mislead this Court by creating a false impression regarding his participation in the ensuing municipal elections. While the nomination for a political party candidate was admittedly filed by the wife of the Petitioner, there was no averment whatsoever in the Petition indicating that the Petitioner himself intended to contest the elections. However, by filing a memo along with an election affidavit, the Petitioner attempted to project as though he had filed a nomination for the 25th Ward, whereas, according to the record, he had filed his nomination only as an independent candidate for the 24th Ward. Such conduct, it is submitted, amounts to an abuse of the process of law and a calculated attempt to secure interim protection by invoking extraneous considerations. Learned Senior Counsel further contends that the Petitioner, having earlier held the office of Deputy Mayor, is fully aware that, in view of the elections scheduled on 01.11.2026 pursuant to the directions of the

Hon'ble Supreme Court and also the Election Commission of India and Election Commission of the State, canvassing activities are prohibited within the prescribed silence period preceding the polling date. It is also pointed out that the Petitioner failed to place on record the written complaint of the de-facto complainant at the time of filing the present application and produced only the FIR. In the aforesaid circumstances, it is submitted that the Petitioner has failed to make out any case for the exercise of the extraordinary discretionary jurisdiction under Section 438 of 'the Cr.P.C.,' and therefore the Criminal Petition deserves to be dismissed in limine.

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

14. 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(s) is/are entitled for grant of pre-arrest bail without he/they approaching the learned Sessions Judge concerned at the first instance?"*

15. Indeed, it has to be pointed out that the Petitioners failed to disclose the adverse criminal antecedents, some are similar in nature, pending against them. 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.,**[3] 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 Court held that non-disclosure of material facts, such as

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[3]2026 SCC Online 188

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

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

17. Sri O.Manohar Reddy, learned Senior Counsel for the Petitioners relied on the judgment of the Hon'ble Apex Court in **Arvind Kejriwal v. Enforcement Directorate**[4], wherein the Hon'ble Apex Court enlarged the Accused therein on interim bail for a period proximate to elections.

18. Nay, the Petitioner/Accused No.1 ought to have filed the similar application before the learned Sessions Judge and invited an order. Accused No.1 has filed certain photographs and also the medical record by way of additional memo. At the time of filing the Criminal Petition Accused No.1 has

[4] (2024) 9 SCC 577

not mentioned the adverse criminal antecedents which are fourteen in number, some are similar in nature, pending against him. It was only after the learned Public Prosecutor raised objections at the time of hearing during the house motion the Accused No.1 has filed the details of the adverse criminal antecedents pending against him.

19. Of course, the Hon'ble Apex Court in **Prabhakar Tewari v. State of Uttar Pradesh**[5] at para No.7, observed that mere pendency of criminal antecedents itself is not a ground to deny the request for grant of bail.

20. However, the Hon'ble Apex Court in **Neeru Yadav v. State of U.P.,**[6] at paragraph Nos.16 & 17 held as under:

> *"16. The issue that is presented before us is whether this Court can annul the order passed by the High Court and curtail the liberty of the second respondent? We are not oblivious of the fact that liberty is a priceless treasure for a human being. It is founded on the bedrock of the constitutional right and accentuated further on the human rights principle. It is basically a natural right. In fact, some regard it as the grammar of life. No one would like to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of emptiness. The sanctity of liberty is the fulcrum of any civilised society. It is a cardinal value on which the civilisation rests. It cannot be allowed to be paralysed and immobilised. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is wedded to the rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. A society expects responsibility and accountability from its members, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the court has a duty. It cannot abandon its*

[5] (2020) 11 SCC 648
[6] (2014) 16 SCC 508

> *sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law.*
> *17. Coming to the case at hand, it is found that when a stand was taken that the second respondent was a history-sheeter, it was imperative on the part of the High Court to scrutinise every aspect and not capriciously record that the second respondent is entitled to be admitted to bail on the ground of parity. It can be stated with absolute certitude that it was not a case of parity and, therefore, the impugned order [Mitthan Yadav v. State of U.P., Criminal Misc. Bail Application No. 31078 of 2014, decided on 22-9-2014 (All)] clearly exposes the non-application of mind. That apart, as a matter of fact it has been brought on record that the second respondent has been charge-sheeted in respect of number of other heinous offences. The High Court has failed to take note of the same. Therefore, the order has to pave the path of extinction, for its approval by this Court would tantamount to travesty of justice, and accordingly we set it aside."*

21. Thus, the Hon'ble Apex Court in **Neeru Yadav *supra*** emphatically underscored that while personal liberty constitutes a sacrosanct and cherished constitutional value, it is not unbridled or absolute in character. Where an individual's conduct imperils societal order or undermines the rule of law, courts are duty-bound to balance individual freedom against the larger interests of society. The Court further held that grant of bail cannot rest on a mechanical invocation of parity and must be founded upon a scrupulous evaluation of all relevant circumstances, including the antecedents and criminal proclivities of the accused. Any order granting bail in disregard of such material considerations would be reflective of non-application of mind and result in a grave miscarriage of justice, warranting interference and annulment by the appellate court.

22. The High Court of Punjab and Haryana in **Kaushalya Rani v. Union of India**[7] while reiterating the case law on previous similar adverse antecedents referred the judgments of the Hon'ble Apex Court including **Zeba Khan** *supra* and others dismissed the petition filed for grant of pre-arrest bail due to

[7] MANU/PH/5878/2026

suppression of material facts regarding criminal antecedents and provided misleading information in the original petition.

23. The High Court of Karnataka in **Prajwal Revanna v. State** [8] at paragraph No.22 held as under:

> *"22. As can be seen from the aforesaid judgment, earlier judgments of the Apex Court in Kanumuri's and Manish Sisodia's cases have been followed and applied to the facts of the said cases stated supra, the facts of the present case on hand are completely different and the said judgments cannot be applied to the facts of the instant case. It is also pertinent to note that even the aforesaid judgments do not obviate or dispense with the requirement of approaching the trial court and exhausting the remedy in the first instance before approaching this Court and in order to do so, it was incumbent upon the petitioner to make out valid reasons / exceptional circumstances as to why he did not approach the trial court earlier. Under these circumstances, I am of the view that the various contentions urged by the petitioner cannot be accepted."*

24. Thus, in **Prajwal Revanna** *supra* the Hon'ble High Court of Karnataka reiterated that the availability of concurrent jurisdiction does not dispense with the settled requirement that an accused ordinarily exhaust the remedy before the competent trial court before invoking the extraordinary jurisdiction of the High Court. The Court held that precedents granting direct recourse to higher forums cannot be applied in a mechanical manner and that a litigant seeking to bypass the trial court must demonstrate cogent, valid, and exceptional circumstances justifying such departure. In the absence of such explanation, the invocation of the High Court's jurisdiction is unwarranted, and the plea is liable to be declined for failure to adhere to the established principles governing judicial hierarchy and procedural propriety.

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[8] MANU/KA/2168/2025

25. Sri O.Manohar Reddy, learned Senior Counsel for the Petitioners relied on the judgment of the Hon'ble Apex Court in **Pawan Khera** *supra* wherein at paragraph No.25 it is held as under:

> *"25. Having regard to the aforesaid considerations, we are of the opinion that while adjudicating an application for anticipatory bail, a careful balance must be struck between the State's interest in ensuring a fair investigation and the individual's fundamental right to personal liberty under Article 21 of the Constitution of India, in light of the principles enunciated in Gurbaksh Singh Sibbia (supra). In this context, the criminal process must be applied with objectivity and circumspection so as to ensure that individual liberty is not imperiled by proceedings that may be coloured by political rivalry. We are further of the opinion that the allegations and counter-allegations, as apparent in the present case, prima facie, appear to be politically motivated and seemingly influenced by such rivalry, rather than disclosing a situation warranting custodial interrogation, and the veracity of the allegations can be tested at trial. The right to personal liberty is a cherished fundamental right, and any deprivation thereof must be justified on a higher threshold, particularly where the surrounding circumstances may indicate the presence of political overtones.25. Having regard to the aforesaid considerations, we are of the opinion that while adjudicating an application for anticipatory bail, a careful balance must be struck between the State's interest in ensuring a fair investigation and the individual's fundamental right to personal liberty under Article 21 of the Constitution of India, in light of the principles enunciated in Gurbaksh Singh Sibbia (supra). In this context, the criminal process must be applied with objectivity and circumspection so as to ensure that individual liberty is not imperiled by proceedings that may be coloured by political rivalry. We are further of the opinion that the allegations and counter-allegations, as apparent in the present case, prima facie, appear to be politically motivated and seemingly influenced by such rivalry, rather than disclosing a situation warranting custodial interrogation, and the veracity of the allegations can be tested at trial. The right to personal liberty is a cherished fundamental right, and any deprivation thereof must be justified on a higher threshold, particularly where the surrounding circumstances may indicate the presence of political overtones."*

26. Thus, in **Pawan Khera** *supra* the Hon'ble Supreme Court reiterated that the adjudication of an application for anticipatory bail requires a delicate balancing of the State's interest in conducting a fair and effective investigation with the individual's invaluable right to personal liberty guaranteed under Article 21 of the Constitution. Placing reliance on the principles enunciated in **Gurbaksh Singh Sibbia** *supra*, the Court observed that the criminal law

machinery must be invoked and applied with objectivity, caution, and judicial circumspection so that personal liberty is not imperilled by prosecutions tainted by political animosity or motivated considerations. The Hon'ble Court further held that where the attendant facts prima facie disclose political overtones and the allegations do not necessitate custodial interrogation, the right to liberty assumes greater significance, and any curtailment thereof must satisfy a heightened standard of justification, with the truthfulness of the accusations being left to be tested during the course of trial.

27. Sri O.Manohar Reddy, learned Senior Counsel for the Petitioners also relied on the judgment of this Court in W.P.No.34888/2022 on 05.12.2022 wherein by referring the judgment of the Hon'ble Apex Court in **Youth Bar Assn. of India v. Union of India**[9] directed for uploading of the all complaints registered by the police on the website of the police authorities.

28. It is also apposite and profitable to refer the judgments of the Hon'ble Apex Court with regard to approaching this Court at first instance without approaching the learned Sessions Judge for grant of pre-arrest bail. The Hon'ble Apex Court in **Jagdeo Prasad v. State of Bihar**[10] at para No.6 as under:

> *"6. However, before parting, we do wish to express our sincere concern with the haste at which the High Court has dealt with this matter. While the scheme of Criminal Procedure Code, 1973 (now Bharatiya Nagarik Suraksha Sanhita, 2023) provides concurrent jurisdiction to the High Court and Sessions Court for entertaining applications for anticipatory bail, this Court has time and again observed that High Court should always encourage exhausting an alternative/concurrent remedy*

[9] (2016) 9 SCC 473
[10] 2025 SCC OnLine SC 2108

> *before directly interfering itself. This approach balances the interests of all the stakeholders, first by giving the aggrieved party a round of challenge before the High Court. Second, this approach provides the High Court an opportunity to assess the judicial perspective so applied by the Sessions Court, in concurrent jurisdiction, instead of independently applying its mind from the first go. Further, the High Court fails to record any reason for directly granting anticipatory bail without impleading the appellant-complainant as a party."*

29. Thus, in **Jagdeo Prasad** *supra* the Hon'ble Apex Court expressed its disapproval of the undue haste exhibited by the High Court in granting anticipatory bail, reiterating that although the High Court and the Sessions Court exercise concurrent jurisdiction in such matters, judicial propriety demands that the remedy before the Sessions Court ordinarily be exhausted in the first instance. The Court observed that such an approach not only preserves the hierarchical judicial discipline envisaged under criminal procedure but also enables the High Court to assess the reasoning adopted by the Sessions Court while exercising concurrent jurisdiction. It was further held that the grant of anticipatory bail without recording cogent reasons and without affording an opportunity of hearing to the complainant reflects a serious procedural infirmity, rendering the order vulnerable to judicial scrutiny and interference.

30. Similarly, the Hon'ble Apex Court in **Mohammed Rasal.C v. State of Kerala**[11] at paragraph Nos.7, 8 and 9 held as follows:-

> *"7. The Sessions Judge exercises powers under Section 438 Cr.P.C in relation to all cases registered with the police stations in the particular District. This area-wise distribution of work would make it much more convenient and facilitate expeditious disposal, if the application for pre-arrest bail is first filed before the Sessions Court which would have a direct and first-hand*

[11] Special Leave to Appeal (Crl) Nos.6588 of 2025, dated 08.09.2025.

> *assistance of the concerned Public Prosecutor appointed for that particular District. The Sessions Court would also have an immediate access to the Case Diary thereby facilitating a better appreciation of facts of the case.*
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> *8. We further feel that if the practice of entertaining the applications for pre-arrest bail directly in the High Court is encouraged, and the parties concerned are not relegated to first approach the Sessions Court concerned, the High Court would be flooded with a spate of pre-arrest bail applications thereby creating a chaotic situation. We say so, because if the parties are required to approach the Sessions Court concerned for seeking remedy of pre-arrest bail, there is a strong probability that significant number of applications would be allowed at that level only thereby acting as a filtration process before the process reaches the High Court.*
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> *9. It is trite that in most of the States, there is a consistent practice requiring the litigant concerned to first approach the Sessions Court for seeking relief of pre-arrest bail and only in the event of denial of such relief, the litigant would be granted access to approach the High Court for seeking such relief. This is, of course, subject to just exceptions and the High Court, for reasons to be recorded, may entertain an application for pre-arrest bail directly in special/ extra-ordinary circumstances."*

31. Ergo, the Hon'ble Apex Court in **Mohammed Rasal.C** *supra* reiterated that, notwithstanding the concurrent jurisdiction vested in the High Court and the Sessions Court in matters of anticipatory bail, judicial discipline and procedural propriety ordinarily require an applicant to first invoke the jurisdiction of the Sessions Court. The Court emphasized that the Sessions Court, being territorially proximate to the investigation, is better positioned to obtain prompt assistance from the prosecution and access the case diary, thereby facilitating a more informed adjudication. The Hon'ble Court further observed that permitting litigants to routinely bypass the Sessions Court would inundate the High Courts with anticipatory bail applications, defeating the salutary filtration mechanism inherent in the judicial hierarchy. It was, however, clarified that in exceptional and extraordinary circumstances, the High Court

may entertain a direct application for anticipatory bail, provided cogent and recorded reasons justify such recourse.

32. Sri Venkateswarlu Posani, learned Senior Counsel for Respondent No.2 has referred the judgment of Division Bench of this Court in **Y. Chandrasekara Rao v. Y.V. Kamala Kumari**[12], wherein this Court referred several landmark judgments on this point and observed at paragraph Nos.29, 32 & 34 as under:

> *"29. The practice followed by this Court in entertaining revision petitions under the old Code of Criminal Procedure 1898 cannot afford any guidance in the interpretation of Section 438 of the present Code. Which should be more convenient to the affected party cannot be conjectured the High Court when the Code confers concurrent jurisdiction both on the High Court and the Court of Session. If the party who intends to move an application under Section 438 feels that moving the court of Session is more convenient, he may do so. But if he thinks that approaching the High Court is more convenient and less time - consuming he shall not be precluded from doing so. Situations may conceiveably arise when a person may find it more efficacious to approach the High Court under Section 438. A resident of Srikakulam or Visakhapatnam, if apprehends arrest when he is in Hyderabad, may find it more convenient to move the High Court under Section 438 for anticipatory bail without any loss of time instead of moving the Court of Session of his native district. It is not possible to visualise comprehensively what precise reasons impel persons to invoke jurisdiction of the High Court, in the first instance, under Section 438.*
>
> *32. There is little merit in the submission of the learned Public Prosecutor that, if the High Court entertains petitions under Section 438, in the first instance, without the Court of Session being moved earlier, this Court will be flooded with applications. The apprehension is clearly unfounded. If this Court has to exercise discretion, in the first instance, under Section 438, there is no warrant to predicate that the exercise of the discretion would result in large number of persons being granted relief under Section 438. In this context, we must clarify the legal position regarding the exercise of discretion under Section 438. Citing K. Dayanand Rao v. State of Andhra, Pradesh (14) 1992 (3) A.L.T. 21, the learned Public Prosecutor says that, even if one does not have any material to believe that he may be arrested on an accusation of having committed a non-bailable offence, he can still move this Court and obtain anticipatory bail to ensure a possible future arrest. The aforesaid case does not warrant such an inference. After considering Gurubaksh Singh's case (supra), the Division Bench held that it is not a condition precedent for passing an order under*

[12] 1993 SCC OnLine AP 11

> *Section 438, that there should be in existence a crime number or FIR., against the person on whose behalf the petition is filed. From this it is not possible to infer that without any basis whatsoever any one can move this Court under Section 438 and obtain anticipatory bail. The Supreme Court in Gurubaksh Singh's case has ruled categorically:*
> *"…The grounds on which the belief of the applicant is based that he may be arrested for a non-bailable offence, must be capable of being examined by the court objectively, because it is then alone that the court can determine whether the applicant has reason to believe that he may be so arrested. S. 438(1), therefore, cannot be invoked on the basis of vague and general allegations, as if to arm oneself in perpetuity against a possible arrest…"*
> *34. When the words are plain in an enactment, reliance on usage for interpreting the same is forbidden. It is only when the provision of law is silent on some aspects but speaks on some other aspects, usage may well supply the defect. (See 'Craies On Statute Law, Seventh Edition, Page 153)."*

33. So, in **Y. Chandrasekara Rao** *supra* the Division Bench of this Court authoritatively held that the concurrent jurisdiction conferred upon the High Court and the Court of Session under Section 438 of 'the Cr.P.C.,' does not mandate that an applicant must invariably approach the Sessions Court before invoking the jurisdiction of the High Court. The Court observed that considerations of convenience, efficacy, and exigency may legitimately warrant a direct approach to the High Court, and such recourse cannot be curtailed by judicially evolved practice when the statutory provision itself imposes no such restriction. At the same time, the Court underscored that anticipatory bail cannot be sought on the basis of vague, speculative, or unfounded apprehensions of arrest, and that the applicant must disclose objective and tangible grounds capable of judicial scrutiny. The Division Bench further emphasized that where the language of the statute is clear and unambiguous, courts cannot import restrictions founded merely upon practice or usage, as the plain meaning of the legislative enactment must prevail.

34. It is also pertinent to note that the A.P.State Election Commission issued notification bearing No.1135/SEC-F1/2026 on 22.10.2026 only extending the process of nomination to Ward No.24 of Kadapa Municipal Corporation.

35. The Petitioners have failed to demonstrate the existence of any exceptional, special, or compelling circumstances warranting the exercise of this Court's extraordinary and discretionary jurisdiction for grant of pre-arrest bail, without first availing the efficacious remedy before the learned Sessions Judge having competent jurisdiction. The material presently available on record discloses that as many as six persons sustained injuries, albeit simple in nature, and certain vehicles were allegedly subjected to acts of mischief resulting in damage to property. Significantly, the statement of the victim/de-facto complainant attributes specific and identifiable overt acts to Accused Nos.1, 2, 3, 6, and 18, alleging their direct involvement not only in causing bodily injuries to the victims but also in committing acts of vandalism and mischief to property.

36. Furthermore, importantly 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**[13] and **Sushila Aggarwal v. State (NCT of Delhi)**[14]**.**

[13] (1980) 2 SCC 565
[14] (2020) 5 SCC 1

37. The learned Public Prosecutor relied on the judgment of the Hon'ble Apex Court in **State of U.P. v. Mohd. Afzal**[15] wherein at paragraph No.6, 9, 10 & 11 held as under:

> *"6. Leaned Single Judge of the High Court, therefore, after hearing the parties, found that the respondents were not entitled for grant of anticipatory bail.*
> *9. The learned Single Judge of the High Court while rejecting an application for anticipatory bail, in the same breath granted them protection for a period of two months. He directed that no coercive steps be taken against the respondent(s) for a period of two months.*
> *10. It is, thus, clear that self-contradictory orders have been passed by the High Court. On the one hand, the application for anticipatory bail is rejected and, on the other hand, the interim protection is granted for a period of two months.*
> *11. In that view of the matter, we are inclined to allow this appeal. The second part of the order directing that no coercive steps shall be taken against the respondents for a period of two months is quashed and set aside."*

38. Accordingly in **Mohd. Afzal** *supra* the Hon'ble Supreme Court deprecated the practice of passing inherently inconsistent and self-contradictory orders in anticipatory bail proceedings. The Court held that once a prayer for anticipatory bail is found unmeritorious and stands rejected, the grant of protection against coercive action for a specified period would amount to conferring, in substance, the very relief that has been declined. Such an approach, the Court observed, reflects a manifest incongruity in judicial reasoning and is legally unsustainable. Consequently, the Supreme Court set aside the direction restraining coercive action, reaffirming that courts cannot, by way of interim protection, indirectly grant a benefit that has been expressly refused on merits.

39. Considering the entire facts and circumstances of the case, Criminal Petition No.9567 of 2026 as against Accused Nos.3 & 18, Criminal Petition

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[15] 2023 SCC OnLine SC 2148

No.9553 of 2026 as against Accused No.2 and Criminal Petition Nos.9552 & 9554 of 2026 are liable to be dismissed without any relief and requiring the Petitioners to approach the learned Sessions Judge concerned for grant of pre-arrest bail.

40. The allegations levelled against the other Petitioners in Crl.P.No.9553 & 9567 of 2026 are bald in nature. Of course, they formed into unlawful assembly for the purpose of commission of the alleged offences. Be that as it may, there are no specific overt acts levelled against them. No doubt, mere member of an unlawful assembly is liable in the same manner as if the specific overact were committed by him alone.

41. Considering the gravity and nature of the allegations levelled against the other Petitioners/Accused in Crl.P.Nos.9553 of 2026 and 9567 of 2026, the two Criminal Petitions are disposed of requiring the Petitioners/Accused Nos.4, 5, 6, 7, 9, 10, 11, 13, 14, 16, 17, 19, 20, 21 & 22 to approach the learned Sessions Judge concerned within a period of two weeks from this day for considering their request for grant of pre-arrest bail. Until such time, the Investigating Officer shall not arrest the other Petitioners/Accused, but they shall cooperate with the Investigating Officer.

42. Any observations made in this order would not come in the way of the learned Court while deciding the matter independently on its own merits, uninfluenced by any remarks made herein, at the time of final disposal of the case.

43. With the above observations and directions, Criminal Petition Nos.9553 & 9567 of 2026 are disposed of and Criminal Petition Nos.9552 & 9554 of 2026 are dismissed.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date:02.11.2026
VTS