APHC010569582026

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 NO: 9565/2026

Between:

1. VENNAPUSA VENKATA REDDY ALIAS MAHESH, S/O. VENKATA REDDY, AGED ABOUT 51 YEARS,R/O. KOTTAPALEM, DARSI, PRAKASAM DISTRICT.
2. POSAM MADHUSUDHAN REDDY, S/O. NARAYANA REDDY, AGED ABOUT 52 YEARSR/O. BELLAMKONDAVARI PALEM,THALLUR MANDAL, PRAKASAM DISTRICT
3. GUDA SRIDHAR REDDY, S/O. CHINNA BRAHMA REDDY,AGED ABOUT 49 YEARS,R/O. RAM NAGAR, ONGOLE,PRAKASAM DISTRICT
4. KUMMITHA JAYARAMI REDDY, S/O. TIRAPATI REDDY, AGE 54 YEARS,R/O. TURAGAPALEM, THALLUR MANDAL, PRAKASAM DISTRICT.
5. MARAM INDRASENA REDDY, S/O. BALREDDY, AGED ABOUT 60 YEARS,R/O. VITTALAPURAM, THALLUR MANDAL, PRAKASAM DISTRICT.
6. IDAMAKANTI GOPINATH REDDY, S/O.BRAHMA REDDY, AGED ABOUT 45 YEARS,R/O. THALLUR VILLAGE AND MANDAL, PRAKASAM DISTRICT.
7. CHINTALAPUDI SRINIVASA REDDY, S/O.VENKATA REDDY, AGED ABOUT 55 YEARS,R/O.BASIREDDIPALLI, DARSI MANDAL,PRAKASAM DISTRICT.
8. SOMU DURGA REDDY, S/O.KOTI REDDY, AGED ABOUT 47 YEARS,R/O.4-461/154, PODILI ROAD,Y HAPPY HOMES, DARSI,

PRAKASAM DISTRICT.

9. BANDI GOPAL REDDY, S/O. YALAMANDA REDDY, AGED ABOUT 49 YEARS,R/O. LINGANNAPALEM, DARSI MANDAL,PRAKASAM DISTRICT.

10. GANGIREDDY PALEM ANJI REDDY, S/O. BALA KOTAIAH, R/O. BOTLAPALEM, DARSI MANDAL, PRAKASAM DISTRICT.

11. CHINTHA SRINIVASA REDDY, S/O. PEDDA VENKATA RAMI REDDY, AGED ABOUT 53 YEARS,R/O. PASUPUGALLU, MUNDLAMURU MANDAL,PRAKASAM DISTRICT.

12. BANKA NAGI REDDY, S/O. VENKATA NARASA REDDY,AGED ABOUT 48 YEARS,R/O. THAMMALURU VILLAGE,MUNDLAMURU MANDAL, PRAKASAM DISTRICT.

13. DUGGIREDDY NARAYANA REDDY, S/O. TIRUPATI REDDY, AGE 32 YEARS,R/O.GHANDI NAGAR, DARSI, PRAKASAM DISTRICT.

14. NALLAMOLU MOHAN CHOWDARY, S/O. KODNALU, AGED ABOUT 31 YEARS, R/O.VEERAYAPALEM, DARSI MANDAL, PRAKASAM DISTRICT.

15. KAKARLA KRISHNA REDDY, R/O. DONAKONDA VILLAGE AND MANDAL, PRAKASAM DISTRICT.

16. GONGATI POLI REDDY, R/O. DONAKONDA VILLAGE AND MANDAL PRAKASAM DISTRICT.

17. K SURESH REDDY, S/O. KOTI REDDY, AGED ABOUT 33 YEARS,R/O. POLAVARAM VILLAGE, MUNDLAMURU MANDAL,PRAKASAM DISTRICT.

18. GOPU SRINIVASA REDDY, S/O. YELLA REDDY, AGED ABOUT 46 YEARS,R/O. EAST GANGAVARAM,THALLUR MANDAL, PRAKASAM DISTRICT.

19. MEDAGAM PULLAREDDY, S/O.VENKATA REDDY, AGED ABOUT 52 YEARS R/O.1061, RAMACHANDRA PURAM,DARSI MANDAL, PRAKASAM DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, Rep., by its Public Prosecutor,High Court of A.P, Amaravathi

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. C SUBODH

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[1] by the Petitioners/Accused Nos.1 to 6, 9 to 19, 23 and 24 for granting of pre-arrest bail in connection with Crime No.190 of 2026 of Darsi Police Station, Prakasam District registered for the alleged offences punishable under Sections 189, 191(2), 191(3), 109(1), 132, 121(1) read with 190 of the Bharatiya Nyaya Sanhita, 2023[2].

2. The case of the prosecution, in brief, is that on 18.10.2026, in the nomination process for Darsi Municipality elections, prohibitory orders under Section 163 of 'the BNSS.,' were in force in Darsi Town. At about 13.00 hours, a large group of YSRCP party members allegedly formed an unlawful assembly, armed with sticks and stones, and violated the prohibitory orders by removing police barricades. Despite warnings by the police, the accused allegedly pelted stones and sticks at the police personnel, and Accused No.1 beat the Complainant/Sub-Inspector of Police on the head with a stick, while

[1] the BNSS
[2] the BNS

Accused No.16 attempted to attack him, causing injuries to his right wrist. Thereafter, the Accused allegedly assaulted the Complainant indiscriminately, causing him to fall unconscious, following which he was shifted to the Government Hospital, Darsi, for treatment.

3. Sri O.Manohar Reddy, the learned Senior Counsel appearing on behalf of Sri C. Subodh, learned Counsel for the Petitioners, submits that the Petitioners have not committed any offence as alleged and have been falsely implicated in the case. He submits that the de-facto complainant assaulted the persons, including women, who accompanied the 1st Petitioner to the nomination centre, and threatened them with false criminal cases if they proceeded to file nominations on behalf of the YSRCP. He further submits that the Petitioners are political functionaries, party representatives, and supporters, and that some of them were not even present at the alleged place of occurrence. He contends that the photographs and videos circulated on social media reveal the acts of the de-facto complainant and that the Petitioners have been implicated in the case only to create panic among the supporters and intending candidates of the YSRCP in Darsi Mandal. Hence, he prays to grant pre-arrest bail to the Petitioners.

4. *Per contra*, Sri M. Lakshminarayana, the learned 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.

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

6. 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 Petitioners are entitled for grant of pre-arrest bail?"

7. As seen from the record, the Petitioners were arraigned as Accused Nos.1 to 6, 9 to 19, 23 and 24. The Petitioners, without approaching the learned Sessions Judge at the first instance seeking pre-arrest bail, have directly approached this Court for grant of pre-arrest bail.

8. Sri O. Manohar Reddy, learned Senior Counsel for the Petitioners, submits that there is no sufficient time for the Petitioners to approach the learned Sessions Judge seeking pre-arrest bail and that, for the said reason, they have directly approached this Court.

9. Accused No.7, who is not arrayed as a Petitioner in the present Criminal Petition, was granted interim protection by a learned Single Judge of this Court, in another petition. However, the said order was subsequently vacated by another learned Single Judge of this Court.

10. The victim in this case is the Sub-Inspector of Police, who sustained simple injuries in the alleged attack by the Petitioners and other accused, who are nineteen in number. They all belong to the opposite political party.

11. It is alleged by the de-facto complainant, namely, Gali Yedukondalu, Sub-Inspector of Police, Darsi Police Station, that all the Petitioners and other accused formed themselves into an unlawful assembly, armed with sticks and stones, crossed the iron barricade in violation of the orders in force under Section 163 of 'the BNSS.,' and hurled stones and sticks at the police personnel.

12. He further alleged that they uttered that the de-facto complainant should be killed as he was obstructing their party activities. It is alleged that Accused No.1/Petitioner No.1 beat him with a stick on his head, causing a bleeding injury. He also alleged that one of the accused, namely, Duggireddy Narayana Reddy/Accused No.16, beat him with a stick and that, when he warded off the blow, he sustained an injury to his right wrist, resulting in swelling.

13. He further alleged that all the accused beat him with their hands and legs and uttered that the de-facto complainant should be killed. In the meanwhile, the police personnel who were attending to duties nearby rushed to the scene of offence, dispersed the unruly mob and shifted the injured de-facto complainant to the Government Hospital for treatment. There, the statement of the injured de-facto complainant was recorded, based on which a case was registered as Crime No.190 of 2026, dated 18.10.2026, for the alleged offences punishable under Sections 189, 191(2), 191(3), 109(1), 132 and 121(1) read with Section 190 of 'the BNS'. Without going into the merits of the matter, it is brought to the notice of this Court by the learned Assistant Public Prosecutor that this case has been filed under Section 482 of 'the

BNSS', seeking for grant of pre-arrest bail without approaching the learned Sessions Judge concerned at first instance.

14. In this regard, it is highly relevant and profitable to refer the judgments of the Hon'ble Apex Court in ***Mohammed Rasal.C v. State of Kerala***[3] and ***Jagdeo Prasad v. State of Bihar and others***[4]***.***

15. The Hon'ble Apex Court in ***Mohammed Rasal. C*** *supra* wherein at paragraph Nos.7, 8 and 9 it was 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 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."*

16. The Hon'ble Apex Court in ***Jagdeo Prasad v. State of Bihar and others***[5], *supra* wherein at para No. 6 as under:

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

[4] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

> *"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 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."*

17. Sri M. Lakshminarayana, the learned Public Prosecutor relied on the judgment of the Hon'ble Apex Court in **Chhanga @ Manoj v. State of Madhya Pradesh**[6], wherein at paragraph Nos.7 and 8 it is held as under:

> *"7…Neither of the points raised by Shri Garg appeal to us. First and foremost, it is not essential that bodily injury capable of causing death should have been inflicted in order that the charge under Section 307 be made out. It is enough if there is an intention coupled with some common act in execution thereof. This position has been repeatedly laid down by this Court in State of M.P. v. Kashiram², SCC at paras 12 to 16. In addition, in a recent judgment in Jage b Ram v. State of Haryana³, the law has been laid down as follows: (SCC p. 370, para 12)*
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> > *"12. For the purpose of conviction under Section 307 IPC. the prosecution has to establish (i) the intention to commit murder; and (ii) the act done by the accused. The burden is on the prosecution that the accused had attempted to commit the murder of the prosecution witness. Whether the accused person intended to commit murder of another person would depend upon the facts and circumstances of each case. To justify a conviction under Section 307 IPC, it is not essential that fatal injury capable of causing death should have been caused. Although the nature of injury actually caused may be of assistance in coming to a finding as to the intention of the accused, such intention may also be adduced from other circumstances. The intention of the accused is to be gathered from the circumstances like the nature of the weapon used, words used by the accused at the time of the incident, motive of the accused, parts of the body where the injury was caused and the nature of injury and severity of the blows given, etc."*
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> *8. On the facts, in the present case, the nature of the weapon used predominates. Two bombs were hurled, which are lethal weapons, from*

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[5] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

[6] (20170 11 SCC 115

> *which it can safely be inferred that the intention was to cause death. Also, the words uttered by Accused 4, namely, that the complainant ought to be killed, also lend further credence to this view. The motive of the accused has also been made out, namely, that the intention was to kill the person in the shop as he was an informer. True, the nature of the injuries in the present case was stated to be simple, but this is only because of the fortuitous circumstance that the bomb exploded at a distance far from PW 1. In our opinion, therefore, it is clear that Accused 4 in coming together with the other three accused and going together with them, and in shouting the words "kill him" certainly attracted the charge under Section 307 read with Section 34 of the Code. The concurrent judgments g of the courts below do not need to be disturbed."*

18. Thus, in **Chhanga @ Manoj** *supra* the Hon'ble Apex Court held that, to attract an offence under Section 307 of 'the I.P.C,' it is not necessary that a fatal injury capable of causing death should have been inflicted. It is sufficient if the accused had the intention to commit murder and had performed an act in furtherance of such intention. Such intention has to be gathered from the facts and circumstances of each case, including the nature of the weapon used, the words uttered at the time of the incident, the motive, the parts of the body targeted and the nature and severity of the injuries. In the facts of the case, the use of lethal bombs, the exhortation to kill the complainant and the motive behind the attack clearly established the intention to commit murder, thereby attracting the offence under Section 307 read with Section 34 of 'the I.P.C.,' notwithstanding that the injuries sustained were simple

19. The Prosecution alleges that several similar adverse antecedents have been reported against the Petitioners; however, the Petitioners have not disclosed the said adverse antecedents. In this regard, the learned Public Prosecutor refers the judgment of the Hon'ble Apex Court in **Zeba Khan v.**

State of U.P.,[7]**,** 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 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.

20. The revised Standing Order No.282(1) of the High Court of the Andhra Pradesh 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.

21. Albeit this Court has got concurrent jurisdiction under Section 482 of 'the BNSS', such discretionary relief would only be granted, when the Petitioners establish a special case or extra ordinary circumstance. As seen from the averments, the Petitioners neither established a special case nor extra-

[7] 2026 SCC Online 188

ordinary circumstance. However, in view of the orders passed in ***Mohammed Rasal.C***, ***Jagdeo Prasad*** and **Zeba Khan** *supra*, this Court is not inclined to exercise its discretionary power to grant pre-arrest bail to the Petitioners, as they have not approached the learned Sessions Judge concerned at first instance.

22. In view of the above facts and circumstances of the case, Criminal Petition is disposed of, granting liberty to the Petitioners/Accused Nos.1 to 6, 9 to 19, 23 and 24 to approach the learned Sessions Judge concerned at the first instance and move appropriate application for grant of pre-arrest bail within a period of two (02) weeks from the date of receipt of a copy of this order.

23. Any observations made in this order shall not hinder the learned Sessions Judge concerned from independently applying its mind and passing appropriate orders on merits in accordance with law.

DR. Y. LAKSHMANA RAO, J

Date: 02.11.2026
KMS

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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