APHC010578342026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI **[3521]**

(Special Original Jurisdiction)

FRIDAY, THE 13th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9716/2026

Between:

1. RAMISETTI PAVAN KALYAN, S/O SAMBAIAH, AGED ABOUT 25 YEARS,OCCUPATION AGRICULTURIST,R/O. DO.NO. 7-43, NARSAPETA SIVARU,SIDDHARTHA NAGAR, NUZVID MANDAL ELURU DISTRICT - 521201
2. VEMURI VENKAT RAO, S/O VENKATESWARA RAO,AGED ABOUT 50 YEARS. AGRICULTURIST,R/O DO.NO.1-2/2,RAMACHANDRAPURAM,SURAMPALLI VILLAGE, GANNAVARAM MANDAL,KRISHNA DISTRICT - 521212

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, ,REP BY THE PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AT AMARAVATI THROUGH THE STATION HOUSE OFFICER,NUZVID RURAL POLICE STATION,

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. K V ADITYA CHOWDARY

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

This 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 and 4, for granting of pre-arrest bail in connection with Crime No.198 of 2026 of Nuzvid Rural Police Station, Eluru District, registered for the alleged offences punishable under Sections 109(1) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

2. Mr. K.V.Aditya Chowdary, the learned Counsel for the Petitioners, submits that the Petitioners are innocent of the alleged offences and they have been falsely implicated by the police. It is further submitted that the Petitioners are the sole earning member of their family and, therefore, their incarceration would cause undue hardship to their dependents. 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 Petitioner and the learned Assistant Public Prosecutor.

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

6. Now the point for consideration is:

"Whether the Petitioner is entitled for grant of pre-arrest bail?"

7. On careful examination of the record, there are specific overt acts attributed against the petitioners that A3 is caused grievous injuries on L.W.1 and his wife. P2/A4 who was actively involved in the commission of the alleged offence by the petitioners and other accused on the defacto-complainant and her wife.

8. The learned counsel for the petitioners relied upon the judgment of the Hon'ble Apex Court in **Jai Narain Mishra and Others v. State of Bihar**[1], wherein, at paragraph No.12, it was held that:

> "*Appellant Mandeo is also convicted under Section 307 IPC and he was sentenced to suffer rigorous imprisonment for 6 years. The evidence shows that he was responsible for the injury on the head which he had given with a Farsa. That injury is described by Dr. Muhra as a lacerated wound 21/2" x 1/2" scalp deep on the left side of the head on the parietal region. It is also described as a simple injury. It is obvious that though a Farsa had been used, the sharp edge of the Farsa may not have been used. But since this injury was caused by an instrument which, used as a weapon of off nce, is likely to cause*

[1] AIR 1972 SC 1764

> *death, the offence would be one under Section 324-1 PC. The conviction, therefore, of Mandeo is changed to one under Section 324 IPC and his sentence is reduced to two years rigorous imprisonment."*

9. The judgment relied upon by the learned counsel for the petitioners pertains to a criminal appeal wherein the conviction and sentence imposed on the accused therein were modified. The judgment of the Hon'ble Supreme Court relied upon by the learned counsel for the petitioners is not helpful to petitioners, inasmuch as specific overt acts have been attributed to the petitioners in the present case.

10. In view of the specific overt acts attributed against the Petitioner/Accused No.2, 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**[2]and **Sushila Aggarwal v. State of (NCT of Delhi)**[3].

11. Having regard to the facts and circumstances of the case, the nature and gravity of the allegations, and the material available on record, this Court is not inclined to grant pre-arrest bail to the Petitioners/Accused Nos.3 and 4. Accordingly, this Court finds no merit in the Criminal Petition, and the same is liable to be dismissed.

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

12. 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:13.11.2026
VMM/KSK

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9716 of 2026

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