APHC010578532026

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

WEDNESDAY, THE 11th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9719/2026

Between:

1. YENUGU PUSHPA, D/O. GANAPARTHI SIVARAM NAIDU,AGED ABOUT 48 YEARS, R/O. ESWARAWAKA, KONDAPURAM, ADDEPUDI, YELLASIRI, NELLORE DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT AMARAVATHI

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. T D PHANI KUMAR

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 (for brevity 'the BNSS') by the Petitioner/Accused, seeking for grant of pre-arrest bail in connection with Crime No.83 of 2026 of VakaduPolice Station, Tirupathi District, registered for the alleged offence punishable under Section316(5) of the Bharatiya Nyaya Sanhita, 2023(for brevity, 'the BNS').

2. Heard learned counsel for the Petitioner andlearned Assistant Public Prosecutor. Perused the record.

3. The Petitioner without approaching the learned Sessions Judge at the first instance seeking pre-arrest bail and has directly approached this Court, which procedure is contrary to the law laid down by the Hon'ble Apex Court in **Mohammed Rasal.C v. State of Kerala**[1] and **Jagdeo Prasad v. State of Bihar and others**[2]**.**

4. The Hon'ble Apex Court in **Mohammed Rasal.C v. State of Kerala**[3]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*

[1] Special Leave to Appeal (Crl) Nos. 6588 of 2025, dated 08.09.2025.
[2] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.
[3] Special Leave to Appeal (Crl) Nos. 6588 of 2025, dated 08.09.2025.

Court would also have an immediate access to the Case Diary thereby facilitating a better appreciation of facts of the case.

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.

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."

5. The Hon'ble Apex Court in **Jagdeo Prasad v. State of Bihar and others**[4], 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 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."

6. Albeit this Court has got concurrent jurisdiction under Section 482 of 'the BNSS.,' such discretionary relief would only be granted, when the Petitioner

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

establishes a special case or extra ordinary circumstance. As seen from the averments, the Petitioner neither established a special case nor extra-ordinary circumstance. However, in view of the orders passed in **Mohammed Rasal.C** and **Jagdeo Prasad***supra*, this Court is not inclined to exercise its discretionary power to grant pre-arrest bail to the Petitioner, as he has not approached the learned Sessions Judge concerned at first instance.

7. As seen from the record, the Petitioner is a female aged about 48 years and is the former Sarpanch of Kondapuram Gram Panchayat. The Panchayat Secretary of Kondapuram Gram Panchayat, Vakadu Mandal, lodged a complaint before the Station House Officer, Vakadu Police Station, alleging that the Petitioner had withdrawn government funds to the tune of approximately Rs.3,50,000/- through cheques, instead of through the online portal, without the knowledge or authorization of the competent authorities. It is further alleged that the Petitioner prepared M-Book entries, vouchers and estimates in connection with the said withdrawals. Mr.T.D.Phani Kumar, learned counsel for the Petitioner, submits that the Petitioner, being a former Sarpanch belonging to the opposition political party, has been falsely implicated in the present case due to political rivalry. He further submits that the Petitioner had already deposited the entire alleged amount prior to the registration of the crime.The Petitioner has not made out any special or

extraordinary circumstances warranting direct invocation of the jurisdiction of this Court.

8. Considering the facts and circumstances of the case, this Criminal Petition is disposed of. However, liberty is granted to the Petitioner to approach the learned Sessions Judge by filing an application seeking grant of pre-arrest bail within a period of two (02) weeks from the date of receipt of the copy of this order. Until then, the Investigating Officer is directed not to arrest the Petitioner/Accused. In the meanwhile, the Investigating Officer is directed to conduct further investigation, and the Petitioner shall cooperate with the investigation in accordance with law.

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

DR. Y. LAKSHMANA RAO, J

Date: 11.11.2026
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