APHC010578642026

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: 9725/2026

Between:

1. TALARI VIJAYA RAJU, S/O. GOPAL, AGED ABOUT 29 YEARS, OCC LABOURER,R/O. D. NO. 1/10, UPPARAPALLI VILLAGE, ANANTAPUR DISTRICT - 515 002

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT AT NELAPADU, AMARAVATI THROUGH THE STATION HOUSE OFFICER, BUKKARAYASAMUDRAITI P.S.,ANANTAPUR DISTRICT - 515 002
2. YERIKALA RAMESH, S/O. LATE ADINARAYANA, AGED ABOUT 38 YEARS, OCC LABOURER,R/O. PASULURU VILLAGE, BUKKARAYASAMUDRAM MANDAL, ANANTAPUR DISTRICT - 515 002

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. K NARSI REDDY

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR
2. KRISHNA SAI K

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioner/Accused No.4 for granting of pre-arrest bail in connection with Crime No.163 of 2026 of Bukkaraya Samudram Police Station, Ananthapuram District, registered for the alleged offence punishable under Sections 118(1) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS') and Section 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the SCs & STs (POA) Act.,').

2. Mr. K.Narsi Reddy, the learned Counsel for the Petitioner, submits that the Petitioner is innocent of the alleged offences and he has been falsely implicated by the police. It is further submitted that the Petitioner is the sole earning member of his family and, therefore, his incarceration would cause undue hardship to his dependents. The Petitioner undertakes 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 Petitioner, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the Petitioner is released on pre-arrest bail, there is a strong likelihood that he 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, the learned legal aid Counsel for the respondent No.2 and the learned Assistant Public Prosecutor. Perused the record.

5. On perusal of the statement of the defacto-complainant/respondent No.2, he is specifically alleged that the petitioner and the other accused had beat him by pushing him on the ground with iron rods, hands and legs. As per Section 18 and 18(A) of the SCs & STs (POA) Act, if there is prima facie accusation, the anticipatory bail is not maintainable.

6. The learned Counsel for the Petitioner relied on the judgment of Division Bench of this Court in **Vidadala Rajani v. State of A.P.,**[1] wherein at paragraph Nos.22 & 23 it is held, while adverting to the authoritative decisions of the Hon'ble Supreme Court in **Prathvi Raj Chauhan v. Union of India**[2]*,* **Shajan Skaria v. State of Kerala**[3]*,* and **Vilas Pandurang Pawar v. State of Maharashtra**[4]*,* that the embargo engrafted under Sections 18 and 18A of 'the SCs & STs (POA) Act.,' is not absolute but conditional upon the existence of a *prima facie* case. It was categorically observed that the Hon'ble Supreme Court had consistently held that when the foundational material does not disclose a *prima facie* offence under 'the SCs & STs (POA) Act.,' the

[1]2025 SCC OnLine AP 3404
[2](2020) 4 SCC 727
[3]2024 SCC OnLine SC 2249
[4](2012) 8 SCC 795

constitutional right of an accused to invoke Section 438 of ‘the Cr.P.C.,’ for anticipatory bail remains unimpaired. It has further clarified that the Hon’ble Supreme Court, in the aforementioned decisions, had not adjudicated upon the forum for entertaining such applications, but confined itself to the maintainability thereof vis-à-vis the statutory bar. Consequently, the learned Division Bench of this Court, upon a meticulous examination of the statutory scheme and judicial dicta, concluded that the statutory prohibition under Sections 18 and 18A of ‘the SCs & STs (POA) Act.,’ is attracted only when *prima facie* incriminatory material exists, and conversely, in its absence, the bar stands inoperative, thereby preserving the jurisdiction of the Court to entertain a petition under Section 438 of ‘the Cr.P.C.’

7. However, in the present matter the foundational material clearly discloses a *prima facie* offence under ‘the SCs & STs (POA) Act.,’ as the allegations specifically involve caste-based abuses and assault. Therefore, the ratio in **Vidadala Rajani** *supra* does not assist the Petitioner, and the statutory bar remains operative. There are no merits in the petition. The Petitioner/Accused No.4 is disentitled for grant of pre-arrest bail. Hence, the Criminal Petition is devoid of merit and is liable to be dismissed.

8. 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

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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VMM