APHC010581392026

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

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 9779/2026

Between:

1. YEMINENI RAMBABU, S/O SAMBAIAH, AGED ABOUT 44 YEARS, R/O D.NO. 1-69,ADAVALA DINDI, NIZAMPATNAM MANDAL,BAPATLA DISTRICT.
2. KOKKILIGADDA RAVI, S/O VENKATA BASAVAIAH,AGED ABOUT 48 YEARS, R/O D.NO. 8-95, KOTHAPALEM,NIZAMPATNAM MANDAL, BAPATLA DISTRICT.
3. BARRI LAKSHMI VENKATA GIRI RAJU ALIAS BARRIVENKATAGIRI RAJU PASI,, S/O SAI BABU, AGED ABOUT 53 YEARS,R/O D.NO. 34, KOTHAPALEM,NIZAMPATNAM MANDAL, BAPATLA DISTRICT.

...PETITIONER/ACCUSED(S)

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1. MEDAPATI SANTOSH REDDY

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.1 to 3 seeking for grant of pre-arrest bail in connection with Crime No.61 of 2026 of Nizampatnam Police Station, Bapatla 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. Heard the learned counsel for the Petitioners and the learned Assistant Public Prosecutor. Perused the record.

3. On perusal of the record, the Petitioners have approached this Court directly, without approaching the learned Sessions Judge at the first instance, seeking pre-arrest bail. Of course, this Court has the power to entertain an application for pre-arrest bail; however, such an application can be entertained directly by this Court only when the Petitioner establishes extraordinary circumstances warranting such an approach.

4. The Petitioners without approaching the learned Sessions Judge at the first instance seeking pre-arrest bail and have 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]***.***

5. 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.*
>
> *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."*

6. The Hon'ble Apex Court in ***Jagdeo Prasad*** *supra* 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*

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

> *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."*

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

8. 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 without they approaching the learned Sessions Judge concerned at the first instance?"*

9. The learned counsel for the Petitioners submits that the victim has not been impleaded as Respondent No.2 in this case and has not suffered any injuries. The submission of Petitioner No.1/Accused No.1 was recorded on an earlier occasion, and a case was registered in Cr.No.62 of 2026 by the Sub-Inspector of Police, Nizampatnam Police Station on 22.10.2026 for the alleged offences punishable under Sections 118(1) and 324(4) read with Section 3(5) of the BNS.

10. The learned counsel for the Petitioners further submits that, in respect of Cr.No.62 of 2026, no effective steps have been taken by the Investigating

Officer to apprehend the accused therein. It is further submitted that, in order to wreak vengeance against the Petitioners, a false and fabricated case has been foisted against them. The Petitioners belong to the opposition political party, whereas the alleged victim/de facto complainant belongs to the ruling party.

11. Albeit this Court has got concurrent jurisdiction under Section 482 of 'the BNSS.,' such discretionary relief would only be granted, when the Petitioner establishes a special case or extra ordinary circumstance. As seen from the averments, the Petitioners neither established a special case nor extra-ordinary circumstance. 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 Petitioners, as they have not approached the learned Sessions Judge concerned at first instance.

12. In view of the facts and circumstances of the case, this Criminal Petition is disposed of, permitting the petitioners to approach the learned Additional 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 take any coercive steps against the Petitioners/Accused Nos.1 to 3. In the meanwhile, the Investigating Officer is directed to conduct further investigation, and the petitioners shall cooperate with the investigation.

13. In the result, the Criminal Petition is disposed of.

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

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DR. Y. LAKSHMANA RAO, J

Date: 03.11.2026
VMM

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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VMM