APHC010596522026

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

WEDNESDAY, THE 18th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10033/2026

Between:

1. GANTA KHAJA, S/O. PEDA JANU,AGED ABOUT 31 YEARS,R/O. D.NO.23-94-1, SATTU BAZAR, VINUKONDA, PALNADU DISTRICT-522647.
2. SHAIK SHAHUL ALIAS SHAHUL HUCK, S/O. SARDAR,AGED ABOUT 30 YEARS,R/O. D.NO.21-145/1, PEDDA MAZEED BAZAR, VINUKONDA, PALNADU DISTRICT-522647.
3. SHAIK SUBHANI, S/O. KHADAR SAHEB,AGED ABOUT 47 YEARS,R/O. D.NO.3-40, KARUMANCHI VILLAGE, SAVALYAPURAM MANDAL, PALNADU DISTRICT-522646.
4. GANTA ZAHAMGIR ALIAS JAHANGEER BASHA, S/O. SUBANI, AGED ABOUT 30 YEARS,R/O. D.NO.09-185/1, SATTU BAZAR, VINUKONDA, PALNADU DISTRICT-522647.
5. PASUMARTHI SHAIK NAGUR BASHA ALIAS NAGOOR BASHA, S/O. HUSSAIN SAHEB, AGED ABOUT 46 YEARS,R/O. D.NO.4/655, SALIVAHANA NAGAR, VINUKONDA, PALNADU DISTRICT-522647.
6. SHAIK MASTAN VALI, S/O. KASIM PEERA AGED ABOUT 49 YEARS,R/O. DNO.21-051, OLD MAZID BAZAR, VINUKONDA, PALNADU DISTRICT-522647.
7. PATTA YASIN, S/O. KHAJA, AGED ABOUT 33 YEARS R/O. D.NO.23-300, NEAR VETERINARY HOSPITAL,VINUKONDA, PALNADU DISTRICT-522647.

8. SHAIK IMRAN ALIAS BAJI IMRAN, S/O. BAJI,AGED ABOUT 25 YEARS,R/O. D.NO. 19-292, OBAIAH COLONY,VINUKONDA, PALNADU DISTRICT-522647.

9. SAYYAD RAHIM ALIAS SYED RAHEEM, S/O. SUBHANI, AGED ABOUT 26 YEARS,R/O. D.NO.23-145, SATTU BAZAR,VINUKONDA, PALNADU DISTRICT-522647.

10. PATHAN NANNE KHAN ALIAS PATAN NANNE KHAN, S/O. HUSEN KHAN, AGED ABOUT 27 YEARS,R/O. D.NO.23-289/A,SWEEPERS COLONY, VINUKONDA, PALNADU DISTRICT-522647.

11. PATTA MAHMAD IRFAN, S/O. KHAJAVALI,AGED ABOUT 31 YEARS,R/O. D.NO.23-300,NEAR VETERINARY HOSPITAL,VINUKONDA, PALNADU DISTRICT-522647.

12. PATTA MAHAMAD HANIF ALIAS PATHAN MAHAMAD HANIF, S/O.KHADAR KHAN, AGED ABOUT 26 YEARS,R/O. D.NO.19-520,OBAIAH COLONY,VINUKONDA, PALNADU DISTRICT-522647.

13. KOTWAL IMRAN KHAN, S/O. BABU KHAN,AGED ABOUT 29 YEARS,R/O. D.NO.23-137,KATTAKINDA BAZAR,VINUKONDA, PALNADU DISTRICT-522647.

14. SHAIK AHMAD VALI, S/O. KARIMULLA,AGED ABOUT 30 YEARS,R/O. D.N0.21-43-A,PEDDA MAZID CENTRE,VINUKONDA, PALNADU DISTRICT-522647.

15. SHAIK PEDDA RUKKU ALIAS LUKMAN, S/O. MURTHIJA, AGED ABOUT 26 YEARS,R/O. D.NO.23-41, SWEEPERS COLONY,VINUKONDA, PALNADU DISTRICT-522647.

16. SHAIK JANI BASHA, S/O. DARIYA VALI,AGED ABOUT 24 YEARS,R/O. D.NO.23-80, VETERINARY HOSPITAL VINUKONDA, PALNADU DISTRICT-522647.

17. SAYYAD NOOR ASIF ALIAS SYED NOOR ASIF, S/O. SAIDA, AGED ABOUT 26 YEARS,R/O. D.NO. 19-227, MAZID BAZAR, VINUKONDA, PALNADU DISTRICT-522647.

18. SHAIK ABDUL AMMER ALIAS ABDUL AMIR, S/O. RAHIMAN, AGED ABOUT 33 YEARS,R/O. D.NO.23-37, MAZID BAZAR,VINUKONDA,

PALNADU DISTRICT-522647.

19. PUSALAPALLI SHAIK KARIM BASHA, S/O. SIRAJ BASHA, AGED ABOUT 26 YEARS,R/O. D.NO.5-46 YEARS,ISAKA VAGU BAZAR,VINUKONDA, PALNADU DISTRICT-522647.

20. ADDANKI GOUSE BASHA ALIAS MUSTHAFA GHOUSE, S/O. FAREED SAHEB,AGED ABOUT 40 YEARS,R/O. D.NO. 16-53, KOTNALSA BAZAR,VINUKONDA, PALNADU DISTRICT-522647.

21. HABIBULLA ALIAS JAMPAKANALA SHAIK BABIBULLA, S/O. JILANI, AGED ABOUT 41 YEARS,R/O. D.NO. 17-33, KOTNALSA BAZAR,VINUKONDA, PALNADU DISTRICT-522647.

22. RAFI ALIAS SHAIK MOHAMMED RAFI, S/O. SAIDA AGED ABOUT 38 YEARS,R/O. D.NO.31-674, ANKALAMMA PETA,VINUKONDA, PALNADU DISTRICT-522647.

23. ROSHAN JAMEER ALIAS SHAIK ROSHAN JAMEER JOHNNY BASHA, S/O. JILANI, AGED ABOUT 34 YEARS,R/O. D.NO.31-804, SRUNGARAPU VANAM,VINUKONDA, PALNADU DISTRICT-522647.

24. GOTTAM VENKATESH ALIAS VENKATESWARLU, S/O. RAMULU, AGED ABOUT 34 YEARS,R/O. D.NO. 19-546, 12 LINE,HANUMAN NAGAR, VINUKONDA,PALNADU DISTRICT-522647.

25. PATHAN SALEHA KHAN, S/O. ALI KHAN,AGED ABOUT 38 YEARS,R/O. D.NO.21-40, PEDDA MAZEED BAZAR,VINUKONDA, PALNADU DISTRICT-522647.

...PETITIONER/ACCUSED(S)

AND

THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT BUILDINGS AT AMARAVATI,THROUGH STATION HOUSE OFFICER,VINUKONDA PS, PALNADU DISTRICT.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

G VENKATA REDDY

Counsel for the Respondent/complainant:

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 11, 13 to 25 & 27, seeking for grant of pre-arrest bail in connection with Crime No.263 of 2026 of Vinukonda Police Station, Palnadu District, registered for the alleged offences punishable under Sections 189(2), 191(2), 191(3), 118(1), 109(1) read with 190 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 are arraigned as Accused Nos.1 to 11, 13 to 25 and 27. The petitioners are 25 in number. Accused No.1 was arrested and remanded to judicial custody. Specific allegations are made against him that he beat the victim with an iron rod, causing bleeding injuries. The learned counsel for the petitioners submits that the petitioners were served with notices under Section 35(3) of 'the BNSS' on 17.11.2026.

4. Further, 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*

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

> *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."*

7. 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. 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 Petitioners, as they have not approached the learned Sessions Judge concerned at first instance.

8. In view of the facts and circumstances of the case, this Criminal Petition is disposed of, permitting the petitioners 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 take any coercive steps against the petitioners/Accused Nos.1 to 11, 13 to 25 and 27, as no specific allegations are attributed against them. In the meanwhile, the Investigating Officer is

directed to conduct further investigation, and the petitioners shall cooperate with the investigation.

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

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

DR. Y. LAKSHMANA RAO, J

Date: 18.11.2026
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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10033 of 2026

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