APHC010596632026

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: 10034/2026

Between:

1. BHARGAVA RAM ALIAS BUNNY ALIAS K BUNNY, , S/O. SRINIVASULU,AGED ABOUT 20 YEARS, OCCUPATION BUSINESS,R/O VENUGOPAL NAGAR, ANANTAPURAMUTOWN,ANANTAPURAMU DISTRICT, ANDHRA PRADESH -515001.

2. PUJARI UPPALAPPA, , S/O. PUJARI LINGANNA,AGED ABOUT 49 YEARS. OCCUPATION BUSINESS,R/O. D.NO. 18-1-640, VENUGOPAL NAGAR, ANANTAPURAMU TOWN,ANANTAPURAMU DISTRICT, ANDHRA PRADESH -515001.

3. MANJUNATH B ALIAS MANJUNATH, S/O.BOYA NAGARAJU,AGED ABOUT 22 YEARS. OCCUPATION BUSINESS,R/O VENUGOPAL NAGAR, ANANTAPURAMUTOWN, ANANTAPURAMU DISTRICT, ANDHRA PRADESH - 515001.

4. KATARI SHIVASAI PRASANNA KUMAR ALIAS SHIVA ALIAS DAMAKU, ,S/O. KATARI VENKATLAKSHMI,AGED ABOUT 27 YEARS OCCUPATION BUSINESS,R/O. D.NO. 1-460, CHEPALA VEEDI, BOYAGERI,BUKKARAYASAMUDRAM, ANANTAPURAMU DISTRICT, AP - 515701.

5. KURUBA BHASKAR, S/O. LATE KURUBA KONDANNA,AGED ABOUT 33 YEARS. OCCUPATION CARPENTER,R/O. D.NO. 17-1-64-4, VENUGOPAL NAGAR,ANANTAPURAMU TOWN, ANANTAPURAMU DISTRICT,ANDHRA PRADESH - 515001.

6. KURABA SREENIVASULU ALIAS SEENA, ,S/O. KURABA HANUMANTHU, AGED ABOUT 47 YEARS,OCCUPATION BUSINESS, R/O. D.NO. 18-1-663,VENUGOPAL NAGAR, ANANTAPURAMU TOWN,ANANTAPURAMU DISTRICT, ANDHRA PRADESH - - 515001.

7. BOYA NAGARAJU, , S/O. BOYA DURGANNA,AGED ABOUT 51 YEARS. OCCUPATION BUSINESS,R/O. D.NO. 18-1-667, THARAKAPURAM KOTTALU, VENUGOPAL NAGAR,ANANTAPURAMU TOWN, ANANTAPURAMU DISTRICT, ANDHRA PRADESH -515001.

8. K SURESH ALIAS SURESH REDDY, , S/O. KASI REDDY ,AGED ABOUT 36 YEARS. OCCUPATION BUSINESS,R/O. VENUGOPAL NAGAR, ANANTAPURAMUTOWN, ANANTAPURAMUDISTRICT, ANDHRA PRADESH - 515001.

9. SHAIK SHAMEER ALIAS SHAMEER, S/O. SHAIK MUKTHUM VALI,AGED ABOUT 38 YEARS D.O.B. 01.07.1988,OCCUPATION BUSINESS, R/O. D.NO. 19-304, RANI NAGAR,OLD TOWN, ANANTAPURAMU TOWN, ANANTAPURAMU DISTRICT,ANDHRA PRADESH -515001.

10. KUMAR ALIAS B KUMAR, S/O. BULLE GANGANNA,AGED ABOUT 46 YEARS. OCCUPATION BUSINESS,R/O. VENUGOPAL NAGAR, ANANTAPURAMUTOWN, ANANTAPURAMU DISTRICT, ANDHRA PRADESH - 515001.

11. KURABA NAGAMANI ALIAS NAGAMANI, W/O. KURABA SREENIVASULU,AGED ABOUT 41 YEARS D.O.B. 01.01.1985,OCCUPATION HOUSEWIFE, R/O. D.NO. 18-1-663,VENUGOPAL NAGAR, ANANTAPURAMU TOWN,ANANTAPURAMU DISTRICT, ANDHRA PRADESH - 515001.

12. PUJARI NAGARATNA ALIAS RATHNAMMA, , W/O. PUJARI UPPALAPPA,AGED ABOUT YEARS. OCCUPATION HOUSEWIFE,R/O. D.NO. 18-1-640, VENUGOPAL NAGAR, ANANTAPURAMUTOWN, ANANTAPURAMU DISTRICT, ANDHRA PRADESH - 515001.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH, AMARAVATHI.
2. KANDUKURI RADHA, W/O NAGA RAJU AGEDABOUT 43 YEARS, OCCUPATION HOUSEWIFE,R/O. D. NO. 18/1/709, VENUGOPAL NAGAR,ANANTHAPURAM TOWNAP-515001

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

CKR ASSOCIATES

Counsel for the Respondent/complainant(S):

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 12, seeking for grant of pre-arrest bail in connection with Crime No.321 of 2026 of Ananthapuramu I Town Police Station, Ananthapuramu District, registered for the alleged offences punishable under Sections 74, 79, 115(2), 196, 324(4), 329(4), 351(2) 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. Mr. N. Sai Phanindra Kumar, the learned counsel, representing CKR Associates, submits that the petitioners were served with notices under Section 35(3) of 'the BNSS' by the Investigating Officer.

4. On perusal of the record, the petitioners are arraigned as Accused Nos.1 to 12. In view of the issuance of notices under Section 35(3) of 'the BNSS', there is no immediate apprehension of arrest of the petitioners.

5. 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]***.***

6. 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.*
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> *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*

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

> *allowed at that level only thereby acting as a filtration process before the process reaches the High Court.*
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> *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."*

7. 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 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."*

8. 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.

9. In view of the facts and circumstances of the case, the Criminal Petition is disposed of, granting liberty to the petitioners to approach this Court as and when the necessity arises.

10. 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: 18.11.2026
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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10034 of 2026

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