APHC010623582026

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

WEDNESDAY, THE 25th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NOs: 10486 and 10493 of 2026

CRIMINAL PETITION NO: 10486/2026

Between:

1. VATAMBETI MUTHU ALIAS VATAMBETI MUTHU PANDYAN, S/O VATAMBETI MUNASWAMY,AGED ABOUT 30 YEARS,OCC AGRICULTURE,R/O CHINNA MAMBATTU VILLAGE, TADA MANDAL,TIRUPATI DISTRICT
2. VATAMBETI SRIPATHI, S/O VATAMBETI MUNASWAMY,AGED ABOUT 32 YEARS,OCC AGRICULTURE,R/O CHINNA MAMBATTU VILLAGE, TADA MANDAL,TIRUPATI DISTRICT.
3. KAMIREDDY NANDA REDDY, S/O KAMIREDDY RAJA GOPAL REDDY,AGED ABOUT 48 YEARS, OCC AGRICULTURE,R/O N.M.KANDRIKA VILLAGE, TADA MANDAL, TIRUPATI DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. VENATI RAJA REDDY, S/O VENATI JAYA RAMI REDDY,AGED 65 YEARS,R/O N.M.KANDRIKA VILLAGE, TADA MANDAL, TIRUPATI DISTRICT
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH,AMARAVATI

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. PATIL YUGANDHAR REDDY

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

CRIMINAL PETITION NO: 10493/2026

Between:

1. KAMIREDDY NANDA REDDY, S/O KAMIREDDY RAJA GOPAL REDDY,AGED ABOUT 48 YEARS, OCC AGRICULTURE,R/O N.M.KANDRIKA VILLAGE, TADA MANDAL, TIRUPATI DISTRICT
2. VATAMBETI SRIPATHI, S/O VATAMBETI MUNASWAMY,AGED ABOUT 32 YEARS,OCC AGRICULTURE,R/O CHLNNA MAMBATTU VILLAGE, TADA MANDAL TIRUPATI DISTRICT

...PETITIONER/ACCUSED(S)

AND

1. K KONDAPPA NAIDU, ,SUB-INSPECTOR OF POLICE,TADA POLICE STATION, TIRUPATI DISTRICT, ANDHRA PRADESH
2. THE STATE OF ANDHRA PRADESH, REP, BY ITS PUBLIC PROSECUTOR.HIGH COURT OF ANDHRA PRADESH,AMARAVATI

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. PATIL YUGANDHAR REDDY

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

COMMON ORDER:

These two Criminal Petitions, Crl.P.No.10486 of 2026 and Crl.P.No.10493 of 2026, are filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS') seeking pre-arrest bail. Crl.P.No.10486 of 2026 arises out of Crime No.232 of 2026 of Tada Police Station, Tirupati District, in which the Petitioners are Accused Nos.1 to 3. Crl.P.No.10493 of 2026 arises out of Crime No.231 of 2026 of the same Police Station, in which the Petitioners are Accused Nos.2 and 3. Since the Petitioners are common to both petitions (Kamireddy Nanda Reddy and Vatambeti Sripathi), the crimes were registered within two days of each other by the same Sub-Inspector of Police, and the rival electoral contest is pleaded as common ground, both petitions were heard together and are disposed of by this common order.

2. The case of the prosecution in Crl.P.No.10486 of 2026 in Crime No.232 of 2026 is that on 15.11.2026, at about 09:00 hours, while the de-facto complainant, Venati Raja Reddy, was campaigning in Chinna Mambattu village with Accused Nos.1 and 2, allegedly at the instigation of Accused No.3 and his associates, drove a white Breza car at high speed with the intention of running them over. They narrowly escaped by jumping aside. The accused then got down, attacked the de-facto complainant with stones, causing a bleeding injury near his left eye, and abused and threatened to kill him before the forthcoming Panchayat elections. It is further alleged that earlier, during the MPTC/ZPTC elections, Accused No.3 and his associates had threatened

the complainant not to field any candidate. The matter was reported at 11:30 hours, and the crime was registered under Sections 109(1) and 49 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity, 'the BNS').

3. The case of the prosecution in Crl.P.No.10493 of 2026 in Crime No.231 of 2026 is that on 13.11.2026, on credible information received at about 19:30 hours, the Sub-Inspector of Police, Tada, with PC-1001 N. Manoj and PC-3265 Shaik Suhail, proceeded to N.M. Kandriga Village Centre. There, Accused No.1 allegedly tried to flee with a white plastic bag on seeing the police and was apprehended. On interrogation, Accused No.1 allegedly stated that Accused No.2 and Accused No.3 had given him the liquor to distribute to eligible voters to induce them to vote for the Sarpanch candidate fielded by Accused No.2. The police seized 80 bottles of Officer's Choice Finest Brandy (180 ml each, MRP Rs.140/-) and kept one bottle as a sample for chemical analysis. The crime was registered on 13.11.2026 under Sections 34(a) and 34(1)(i) of the A.P. Excise Act, 1968, Sections 7(A) read with 8(B) of the A.P. Prohibition Act, and Section 174 read with 171(1) of 'the BNS'.

4. Sri Ponnavolu Sudhakar Reddy, learned Senior Counsel appearing for Sri Patil Yugandhar Reddy, learned Counsel for the Petitioners submits that in Crl.P.No.10486 of 2026 (Crime No.232 of 2026), the Petitioners are Vatambeti Muthu @ Vatambeti Muthu Pandyan/Accused No.1, Vatambeti Sripathi/Accused No.2 and Kamireddy Nanda Reddy/Accused No.3. Even if the allegations in the FIR are taken at face value, they do not disclose the ingredients of Section 109(1) of 'the BNS.,' because by the complainant's own

version the car struck no one and the complainant and his companions merely stepped aside. The alleged injury is a single bleeding injury near the left eye caused by a stone, and no wound certificate or medical record is on file. At the most, the offence would fall in a lesser category, and Section 109(1) of 'the BNS.,' has been invoked only to give the FIR a non-bailable and grave complexion. The invocation of Section 49 r/w Section 3(5) of 'the BNS.,' against Accused No.3 is untenable, as the FIR discloses no instigation, meeting or communication, and the references to associates are vague and omnibus. Learned Counsel further submits that the combination of abetment and common intention is self-contradictory and shows non-application of mind. The FIR was lodged about two and a half hours after the occurrence without reference to any hospital or doctor.

5. Learned Senior Counsel further submits, in both petitions, that there is a clear political rivalry. The wife of Kamireddy Nanda Reddy is contesting for Sarpanch of Mambattu Panchayat against the wife of the de-facto complainant, Venati Raja Reddy, and the Petitioners are themselves contesting for ward member seats. Crime No.231 of 2026 was registered on 13.11.2026, and Crime No.232 of 2026 only two days later, which shows a design to pressurise the Petitioners into withdrawing from the contest. In Crime No.231 of 2026, where Kamireddy Nanda Reddy is Accused No.2 and Vatambeti Sripathi is Accused No.3, it was submitted that the case rests solely on the alleged disclosure of Accused No.1 (Thoppani Sudhakar) to the police, which is inadmissible against the Petitioners. There is no independent

material, and the value of the seized goods is shown inconsistently as Rs.11,200/- in the remand report and Rs.25,200/- in the police proceedings. No election notification or date is identified, and the seizure was not recorded by audio-video means as Section 105 of 'the BNSS.,' requires. Arrest on the eve of nomination and polling would cause irreparable prejudice. The Petitioners are permanent residents of Mambattu Panchayat, have no criminal antecedents (except a closed matrimonial case against Accused No.1 in Crime No.232), have already withdrawn Crl.P.Nos.10385 and 10384 of 2026 with liberty to seek anticipatory bail, and undertake to cooperate and abide by any conditions and it is urged to allow the Criminal Petitions.

6. Sri A.Sai Rohith, learned Assistant Public Prosecutor submits that the allegations are grave and specific. In Crime No.232 of 2026, a car was allegedly driven at high speed towards the complainant and his companions, who escaped only by jumping aside. The accused then got down and attacked the complainant with stones, causing a bleeding injury near the left eye, and threatened to kill him before the Panchayat elections. The investigation is at a nascent stage, and the role of Accused No.3 as the instigator, the vehicle used and the weapons of offence have yet to be established through custodial interrogation. In Crime No.231 of 2026, the Petitioners are alleged to be the source and instigators of the supply of liquor for distribution to voters, and the source of the 80 bottles must be traced. He submits that the alleged inconsistencies and the *plea* of *mala fides* are matters for investigation and trial. He further submits that the pendency of an election confers no immunity

on a person against whom there are serious allegations, and that the Petitioners, being influential local persons, may tamper with witnesses or evidence if enlarged and it is urged to dismiss the Petitions.

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

8. Now the point for consideration is:

> *"Whether the Petitioners/Accused are entitled for grant of pre-arrest bail?"*

9. This Court has considered the submissions and perused the material on record. Anticipatory bail under Section 482 of 'the BNSS.,' is an extraordinary remedy, to be exercised sparingly and on the facts of each case. The Court must balance the liberty of the individual against the right of the investigating agency to a fair and unhampered investigation. In Crime No.232 of 2026, the allegations are not confined to a bare, omnibus assertion. They name the vehicle, the time and place, the persons present, a specific act of stone-pelting, and a bleeding injury near the left eye, a vital and vulnerable part of the body. At this stage, this Court cannot conduct a mini-trial to decide whether the ingredients of Section 109(1) of 'the BNS.,' are made out or whether the offence would fall in a lesser category. Likewise, the nature of the role of Accused No.3 (Kamireddy Nanda Reddy) as instigator, and the contentions on the combined application of Sections 49 and 3(5) of 'the BNS.,' are matters requiring investigation and cannot be decided in a petition for pre-arrest bail. The alleged delay of two and a half hours, and the absence of any reference to medical records in the FIR, are not fatal in the circumstances.

10. In Crime No.231 of 2026, the contention that the disclosure by Accused No.1 is inadmissible against Accused No.2 (Kamireddy Nanda Reddy) and Accused No.3 (Vatambeti Sripathi) goes to the admissibility and evidentiary value of the material at trial. The investigating agency is entitled to investigate the source of the 80 bottles, the supply chain and the role of the Petitioners, and the claim that no independent material exists cannot be examined in detail at this stage. The discrepancy in the valuation of the seized goods, the alleged non-compliance with Section 105 of 'the BNSS.,' regarding audio-video recording, and the contention that the facts do not constitute an offence relating to bribery or undue influence at elections are all questions of fact and law to be adjudicated by the learned Trial Court after evidence is led. They do not warrant the extraordinary protection of anticipatory bail. The Petitioners' withdrawal of Crl.P.Nos.10384 and 10385 of 2026 with liberty to seek anticipatory bail does not itself entitle them to such relief.

11. In the facts and circumstances of the case, the plea of political rivalry and *mala fides* cannot by itself be a ground to stifle the investigation of two crimes with specific allegations, and the same rivalry could equally furnish the motive for the offences alleged. The Petitioners' candidature in the forthcoming Panchayat elections, and the nomination schedule concluding on 29.11.2026, do not confer any immunity from the process of law. The interests of the electoral process are best served by a free, fair and unhindered investigation. Since the alleged offences are connected with the electoral

contest, a risk of influencing witnesses and tampering with evidence cannot be ruled out.

12. In this regard, it is apposite to refer the judgment of the Hon'ble Apex Court in **Anukul Chandra Pradhan v. Union of India**[1], wherein at paragraph No.8 it is held as under:

> *"8. There are other reasons justifying this classification. It is well known that for the conduct of free, fair and orderly elections, there is need to deploy considerable police force. Permitting every person in prison also to vote would require the deployment of a much larger police force and much greater security arrangements in the conduct of elections. Apart from the resource crunch, the other constraints relating to availability of more police force and infrastructure facilities are additional factors to justify the restrictions imposed by sub-section (5) of Section 62. A person who is in prison as a result of his own conduct and is, therefore, deprived of his liberty during the period of his imprisonment cannot claim equal freedom of movement, speech and expression with the others who are not in prison. The classification of persons in and out of prison separately is reasonable. Restriction on voting of a person in prison results automatically from his confinement as a logical consequence of imprisonment. A person not subjected to such a restriction is free to vote or not to vote depending on whether he wants to go to vote or not; even he may choose not to go and cast his vote. In view of the restriction on movement of a prisoner, he cannot claim that he should be provided the facility to go and vote. Moreover, if the object is to keep persons with criminal background away from the election scene, a provision imposing a restriction on a prisoner to vote cannot be called unreasonable."*

13. Thus, in **Anukul Chandra Pradhan** *supra* the Hon'ble Apex Court, while upholding the validity of Section 62(5) of the Representation of the People Act, 1951, held that the restriction on the voting rights of prisoners is neither arbitrary nor unreasonable, as it is founded upon a reasonable classification between persons inside and outside prison and is justified by practical considerations relating to the conduct of free and fair elections, including security, deployment of police personnel, and infrastructural

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[1] (1997) 6 SCC 1

constraints. The Court further observed that the curtailment of certain rights, including the ability to participate in the electoral process, is a logical consequence of lawful incarceration and cannot be said to offend constitutional guarantees.

14. Having regard to the gravity of the allegations, the stage of the investigation and the need for custodial interrogation, this Court is not inclined to exercise its discretion under Section 482 of 'the BNSS.,' in favour of the Petitioners. Accordingly, Crl.P.No.10486 of 2026 and Crl.P.No.10493 of 2026 are dismissed. It is, however, made clear that the observations herein are confined to the disposal of these petitions and shall not influence the learned Trial Court, and that the Petitioners are at liberty to seek regular bail before the competent Court in accordance with law, which shall be considered on its own merits.

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

DR. Y. LAKSHMANA RAO, J

Date: 25.11.2026
VTS/PRA