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IN THE COURT OF THE II ADDITIONAL SESSIONS JUDGE, GUNTUR
Present: SRI Y. NAGA RAJA,

II ADDITIONAL SESSIONS JUDGE, GUNTUR.

Monday, this the 20th day of July, 2026

CrI.M.P.No.1029 of 2026

Cr.No.158 of 2026 of Mangalagiri Town Police Station

Between:-

Tammisetty Jitendra @ Nani, S/o.Kamalakara Rao, aged 35 years, R/o.Near
Seetharama Kovela, Old Mangalagiri, Mangalagiri Town and Mandal, Guntur
District.

... Petitioner / Accused No.3.

-And-

The State : Inspector of Police, Mangalagiri Town Police Station, Represented
by learned Additional Public Prosecutor, District Court, Guntur.

... Respondent/Complainant.

This petition came before me on 15.07.2026 for hearing in the presence
of Sri S.Rahul, Advocate for the Petitioner and of the Additional Public
Prosecutor for the State / Respondent, and upon perusing the petition, the
Case Diary, and the entire material on record, this Court made the following:

ORDER

This petition is filed under Sections 480 and 483 of Bharatiya Nagarik
Suraksha Sanhita, 2023 (in short BNSS, 2023) (437 and 439 of Cr.P.C) on
behalf of the Petitioner / Accused No.3 to grant bail in Cr.No.158 of 2026 of
Mangalagiri Town Police Station of the offence punishable under Sections 109
(1), 61 (2) r/w.3 (5) of BNS. Petitioner / Accused No.3 is arrested on
04.07.2026.

2. The learned Additional Public Prosecutor received the notice and opposed the bail petition of the petitioner.
3. Heard arguments of the learned counsel for petitioner, and the learned Additional Public Prosecutor for State.
4. The point for consideration is:

“Whether the Petitioner / Accused No.3 is entitled to bail for the alleged offences under Section 103 (1), 109 (1), 61 (2) r/w.3 (5) of BNS, as prayed for?”

5. **POINT ANSWERED :**

As seen from the Case Diary, a case in Cr.No.158/2026 of Mangalagiri Town Police Station was registered under section 125 (b) of BNS. During the course of investigation, section of law was altered to 109 (1), 61 (2) r/w.3 (5) of BNS from Section 125 (b) of BNS. Further, in view of death of one of the injured by name Veeram Padmavathi @ Venkata Padmavathi, Section 103 (1) of BNS was added to Sections 109 (1), 61 (2) r/w.3 (5) of BNS.

The case of the prosecution is that on 26.06.2026 at 9-30 a.m Accused No.3 brought an Ertiga car bearing No.AP 39 EN 0890 from Mahesh car travels and handed over to Accused No.1 in accordance with their plan, and when the defacto complainant and his wife were coming from their house to go to office, when they reached the scene of offence, Accused No.1 dashed against the motor cycle of defacto complainant from its behind. As a result, the defacto complainant and his wife fell on the road and sustained severe injuries and while the wife of the defacto complainant undergoing treatment, died on 15.07.2026 at 1-00 p.m as per the memo submitted by the investigation officer.

6. In the bail petition, the Petitioner / Accused No.3 contends that he is innocent and was falsely implicated in this case. Originally, this case was registered as road accident under Section 125 (b) of BNS against an unknown

car driver, later during the course of investigation, Police altered Section of law on the confessional statement of Accused No.1. The petitioner further contends that he is a law abiding citizen and having fixed place of abode and that he is a sole breadwinner of his entire family and except filing of charge sheet, entire investigation is completed. The petitioner further contends that he is having sufficient solvent sureties for his appearance and undertakes that he will abide the conditions imposed by the Court in the event of granting of bail, and prays to grant bail.

7. The learned counsel for Petitioner / Accused No.3 in support of his contention, relied on a citation in case of Nikhalesh @ Nigam, S/o.Prakash Meshram vs. State of Maharashtra Thr Pso., Gondia, the Hon'ble High Court of Judicature at Bombay Nagpur Bench, Nagpur, at para No.5 and some part in para No.6 held as follows :

“ 5.I have considered rival submissions. It appears from the arguments advanced by the parties that the applicant was implicated in the crime on the basis of the statement made by co-accused Prashant (main accused). Apart from that, there is no material in the entire charge-sheet. The applicant is behind bars since 05.03.2025 and further there are no criminal antecedents against the applicant. The investigation is complete and charge – sheet is filed.

“ 6. Considering the above facts and circumstances of the case, I am inclined to grant bail, hence the following Order:-”

8. On perusal of the case diary, a case in Cr.No.158 of 2026 of Mangalagiri Town Police Station was registered against Accused Nos.1 to 3 for the offence under Section 103 (1), 109 (1), 61 (2), r/w.3 (5) of BNS. In this case, there are allegations to made out the offence under section 103 (1), 109(1), 61 (2) r/w.3 (5) of BNS. As per the version of the prosecution, Police custody

petition with regard to Accused Nos.1 to 3 is pending. Postmortem certificate of deceased and wound certificate of the defacto complainant are awaited. If the petitioner is released on bail, he may threaten the defacto complainant and other witnesses and also tamper with physical evidence and further in this case some more witnesses are to be examined, and as such investigation is still pending in this case.

By considering the nature of offence which are grave in nature and the stage of the investigation, this Court is not inclined to grant bail to the Petitioner / Accused No.3. Further, the decision relied on by the counsel for the petitioner is not applicable to the facts of the present case. Accordingly, this point is answered.

9. In the result, this petition is dismissed.

Typed to my dictation by the Stenographer, Grade-I, corrected and pronounced by me in the open Court, on this the **20th day of July, 2026.**

Sd/- Y.NAGA RAJA,
II Additional Sessions Judge,
Guntur.

Copy to:

- 1.Judicial Magistrate of I Class – Cum – Additional Civil Judge (Junior Division), Mangalagiri.
- 2.The Station House Officer, Mangalagiri Town Police Station, Guntur District.

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