



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
TUESDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE K SURESH REDDY

AND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

IA No. 1 OF 2026

IN

CRLA NO: 82 OF 2021

Between:

Gembali Yerakayya, son of Late Pothayya, aged 35 years, R/o Mulavalsa
village, Makkuva Mandal, Vizinagaram District.

...Appellant/Accused

(Petitioner in CRLA 82 OF 2021

on the file of High Court)

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor High Court at
Amaravathi, through the Inspector of Police, Makkuva Police Station,
Vijayanagaram District.

...Respondent/Complainant

(Respondents in-do-)

Petition under Section 430(1&2) of BNSS is filed praying that in the
circumstances stated in the affidavit filed in support of the petition, the High
Court may be pleased to suspend the execution of the sentence and to
release the appellant/Accused viz., Gembali Yerakayya, on bail in CrI. A. No.
82 of 2021 of this Honorable Court which arose out of S. C. No. 109 of 2019
on the file of II Additional District and Sessions Judge, Parvatipuram, the
judgment dated 6.11.2020, Pending disposal of CRLA No. 82 of 2021, on the
file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the
affidavit filed in support thereof and upon hearing the arguments of Sri G
VIJAYA SARADHI, Advocate for the Appellant and PUBLIC PROSECUTOR
(AP) for Respondent.

The Court made the following

ORDER

The present application is filed by the petitioner/appellant/accused under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking his release on bail by suspending the sentence of imprisonment imposed by the learned II Additional District and Sessions Judge, Parvathipuram, vide S.C.No.109 of 2019, dated 06.11.2020, pending the present Criminal Appeal before this Court.

2. The learned counsel for the petitioner/accused contends that immediately after pronouncement of judgment, the petitioner/appellant/accused was taken into custody and the petitioner/accused is undergoing imprisonment in Central Prison, Rajamahendravaram. He further contends that the petitioner/accused has undergone five (05) years, four (04) months and eleven (11) days of actual sentence. The learned counsel for the petitioner/appellant/accused further contends that as the appeal is of the year-2021, it takes some more time to come up for "Hearing". As such, he requests this Court to enlarge the petitioner/appellant/accused on bail in terms of the order, dated 02.11.2016, passed by the Combined High Court in Batchu Rangarao and others Vs The State of Andhra Pradesh (Crl.A.M.P.No.1687 of 2016 in Crl.A.No.607 of 2011).

3. On the other hand, the learned Additional Public Prosecutor, on instructions, states that the case of the petitioner/appellant/accused does not fall within the prohibitory categories as envisaged in the above referred order.

4. In view of the same, this Court is inclined to enlarge him on bail by suspending the sentence of imprisonment imposed by the learned Sessions Judge pending the present Criminal Appeal.

5. The petitioner/appellant/accused is directed to be released on bail on his executing a personal bond for Rs.10,000/- (Rupees Ten Thousand

only) with two (02) sureties for a like sum each to the satisfaction of the learned Additional Judicial Magistrate of First Class, Salur.

6. The petitioner/appellant/accused is directed to report before the concerned Station House Officer i.e., Inspector of Police, Salur Circle, once in a month, i.e., on the 1 st of every month. In the event of failure to report as directed, the concerned Station House Officer is at liberty to initiate appropriate proceedings by approaching this Court for cancellation of bail. The petitioner/appellant/accused is further directed to appear before this Court without fail on all dates when the case stands posted for hearing. If the petitioner is found to be involved in any other criminal case during the pendency of the bail period, or if he violates any of the conditions imposed by this Court, the learned Public Prosecutor is at liberty to approach this Court by filing an appropriate petition seeking cancellation of bail.

7. Accordingly, with the above directions, this application is allowed.

//TRUE COPY//

SD/-SK MD RAFI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The II Additional District and Sessions Judge, Parvatipuram.
2. The Superintendent, Central Prison, Rajamahendravaram.
3. The Additional Judicial Magistrate of First Class, Salur.
4. The Station House Officer i.e., Inspector of Police, Salur Circle
5. One CC to SRI. G VIJAYA SARADHI Advocate [OPUC]
6. Two CCs to Public Prosecutor, High Court of A.P. [OUT]
7. Two spare copies.

HIGH COURT

**KSR,J &
AHHS,J**

DATED:31/03/2026

ORDER

I.A.No.1 of 2026

IN

CRLA.No.82 of 2021

I.A.No.1 of 2026 is ALLOWED

