



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3396]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2337/2025

Between:

- 1.KAMODALI SURI BABU, STO. LATE APPLA NAIDU, AGED ABOUT 68 YEARS OC FARMER D.NO. 25-1-1, C.S.RROAD OPP MUNICIPAL SCHOOL, SEETHANOSPETA,, VIJAYAWADA A.P. 520003
- 2.KAMODALU PUSHPA, W/O. K. SURI BABU AGED ABOUT 55 YEARS OEC HOUSEWIFE D. NO. 25-1-1, C.S.R ROAD OPPMUNICIPAL SCHOOL, SEETHANNAPETA,, VIJAYAWADA A.P. 520003
- 3.KAMODALU SIVAPRASAD, STO SURI BABU AGED ABOUT 36 YEARS OCE BUSINESS D. NO. 25-1-1, C.S.R ROAD. R ROAD OPP MUNICIPAL SCHOOL SEETHAMAPETA., VIJAYAWADA A.P. 520003
- 4.AMODALU BHAVANI SHANKAR, S/O SURI BABU AGED ABOUT 39 YEARS OCE BUSINESS D. NO. 25-1-1, C.S.R ROAD OPP MUNICIPAL SCHOOL, SEETHANNAPETA,, VIJAYAWADA A.P. 520003
- 5.KAMODALU AJAY KUMAR, STO SURI BABU AGED ABOUT 33 YEARS OCC BUSINESS D. NO. 25-1-1, C.S.RROAD OPP MUNICIPAL SCHOOL, SEETHANNAPETA,, VIJAYAWADA A.L. 520003

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, THROUGH BHAVANIPURAM POLICE STATION, VIJAYAWADA CITY COMMISSIONER ATE, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF A.P. AMARAVATI
- 2.ALURI BALAJI, SIO NOT KNOWN AGED ABOUT YEARS OCCIBUSINESS D. NO. 40-1/1-4, LAKSHMI NAGAR. MOGALARAJUPURAM ROAD SEETHANNAPETA,, VIJAYAWADA A.P.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

- 1.RAJESH KUMAR B

Counsel for the Respondent/complainant(S):

- 1.PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The instant Criminal Petition is filed under Section 438 of Cr.P.C, by the
Petitioners / Accused seeking anticipatory bail in connection with Crime No.89

of 2013 on the file of Bhavanipuram Police Station, Vijayawada City for the offences under Sections 447, 427, 468, 471, 420, 120B and 506 read with 34 IPC.

2. Sri B.Rajesh Kumar, learned counsel for the Petitioners would submit that there are no specific allegations against the Petitioners and the contents of the complaint would disclose that the matter is of civil nature. It is further submitted that the crime is of the year 2013 and offences alleged against the Petitioners are punishable with less than seven years period of imprisonment and Police may be directed to follow the procedure contemplated under Section 41-A of Cr.P.C.

3. Sri K.Sandeep, learned Assistant Public Prosecutor fairly conceded the same and would submit that a direction may be given to the Police to follow the procedure contemplated under Section 35(3) of BNSS Act since the offences are punishable with an imprisonment of below seven years.

4. As can be seen from the record, this crime is of the year 2013. The case is registered against the Petitioners alleging that they along with the other Accused formed into a group and with an intent to grab the property of the *De facto* complainant, created a forged gift deed under muslim law, without any registration and by using the said gift deed, they got altered the revenue records and by using the said gift deed, they created a registered general power of attorney in the name of Accused No.2, removed the poles around the land and constructed a compound wall. Later, they divided the said land into plots and sold them between themselves for less consideration by

way of registered sale deeds and by pledging the said sale deeds, obtained loans from different financial institutions and bank and subsequently evaded to repay the loan amounts.

5. Considering the submissions made, the age of the 1st Petitioner and the 2nd Petitioner is a woman, without expressing any opinion on the merits of the allegations, it is to be noted that the crime is of the year 2013. It is also not in dispute that the offences alleged are punishable with imprisonment for a term less than seven years. In view of the above facts and circumstances, this Court deems it appropriate to direct the Investigating Officer to strictly adhere to the procedure contemplated under Section 41-A Cr.P.C.

6. Considering the submissions, this Criminal Petition is disposed of with the following;

- a. Investigating Officer is directed to conclude the investigation and file a report within a period of four (04) weeks from the date of receipt of copy of this order.
- b. In the event of any coercive action sought to be taken against the Petitioners, concerned Police Authorities are directed to scrupulously follow the procedure prescribed under Section 35(3) of BNSS and the guidelines laid down by the Hon'ble Supreme Court in ***Arnesh Kumar v. State of Bihar***¹, which is reiterated in ***Satender Kumar Antil vs. CBI and another***².
- c. Petitioners shall appear before the Court on receipt of summons.

Pending applications, if any, shall stands closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:18.02.2026
Dinesh

¹ (2014) 8 SCC 273
² 2026 INSC 115

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Crl.P.No.2337 of 2025

Dt.18.02.2026

Dinesh