

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MAIN CASE No: CrI.P.No.1635 of 2026
PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
01.	02.03.2026	<u>Dr.VJP, J</u> <u>I.A.No.1 of 2026</u> Heard Sri K.Parameshwar, learned Senior Counsel assisted by Sri Ajay Kumar Kanaparthi, learned counsel for the Petitioner and Sri Sidhartha Luthra, Sri Siddartha Aggarwal, learned Senior Counsel assisted by Sri M.Lakshmi Narayana, learned Public Prosecutor on behalf of State. Learned counsel for the Petitioner would submit that the Petitioner, a 2005-batch IPS Officer of the Bihar Cadre presently serving as IG, Home Guards and Fire Services, Bihar, has been <i>malafidely</i> arrayed as Accused No.7 in Crime No.187 of 2024. Learned counsel would argue that, while on deputation as DIG, CID, Andhra Pradesh in 2021, the Petitioner merely conducted a preliminary inquiry in Crime No.12 of 2021, which was registered against Sri K. Raghurama Krishnam Raju, the-then Member of Parliament, pursuant to directions of his superior officers, and his role was confined to submitting a report. He had no role in the arrest, custody, or any alleged acts of custodial torture. It is further submitted that, after change of Government in 2024, FIR No.187 of 2024 was registered alleging illegal arrest, custodial torture and conspiracy in relation to Crime No.12 of 2021. Further, the Petitioner was neither named in the said FIR nor were any allegations attributed to him therein. Learned counsel would contend that several years thereafter, notices dated 25.02.2025 and 10.03.2025 under Section 179 of BNSS were issued requiring the Petitioner,	

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		who is stationed in Bihar, to appear before the Investigating Officer in Andhra Pradesh. Learned counsel would submit that the Petitioner approached the Hon'ble High Court of Judicature at Patna in Criminal Writ Jurisdiction Case No.985 of 2025, and the Hon'ble High Court was pleased to grant interim protection on 09.05.2025 directing that no coercive steps shall be taken to secure his physical appearance. The Petitioner has expressed his willingness to cooperate with the investigation through virtual mode. Learned counsel would further submit that, a transit remand against the Petitioner herein was also sought before the Court of Chief Judicial Magistrate, Patna and the same was denied <i>vide</i> Order dated 23.02.2026, due to procedural laches, directing the Petitioner to furnish an undertaking on affidavit, to appear before the concerned jurisdictional court for seeking legal remedies, within one month from the date of the said order. It is further submitted that the Petitioner herein, filed a petition before the Court of Sessions, Patna seeking transit anticipatory bail, wherein, interim protection from arrest in the present crime has been granted on 24.02.2026 till the next date i.e., 02.03.2026 and the said petition is withdrawn today. It is further submitted that the Petitioner has filed an application before the Court of II Additional Sessions Judge, Guntur seeking anticipatory bail was dismissed on 09.01.2026. Learned counsel would vehemently contend that despite the subsistence of the interim protection, the Respondents, with mala fide intent, have sought to array the Petitioner as Accused No.7 by filing a casual memo, without any fresh material or substantive evidence. Apart from certain statements of listed witnesses, there is no independent or	

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		corroborative material connecting the Petitioner to the alleged offences. <i>Per contra</i>, learned Senior Counsel on behalf of the State would submit that the Petitioner has already been arrested in connection with the subject crime and was duly produced before the jurisdictional Court for the purpose of transit remand. Learned Senior Counsel while placing reliance on the judgment of the Hon'ble Supreme Court in Manish Jain vs. Haryana State Pollution Control Board in Special Leave to Appeal (Crl.)No.5385 of 2020, dated 20.11.2020, would argue that, once an Accused has been arrested and produced before a Court of competent jurisdiction, the question of invoking the extraordinary remedy under Section 482 of BNSS does not arise. It is further submitted that the Petitioner seeking anticipatory bail is not maintainable. Learned Senior Counsel on behalf of State would further submit that the Petitioner, having been released on an undertaking, is however deemed to have been in judicial custody in the eye of law. Such release does not wipe out the factum of arrest. Anticipatory bail is a pre-arrest remedy, and the same cannot be sought after the arrest has already been effected. It is brought to the notice of the Court that the petition filed before the jurisdictional Court seeking to issue NBW against the Petitioner, is also withdrawn. Learned Senior Counsel for the State would submit that grant of interim bail at this stage would seriously prejudice the investigation. It is contended that the allegations involve grave offences, including abuse of official position and custodial misconduct. The Petitioner, being a senior IPS officer, has considerable influence, and there is a reasonable apprehension that he may	

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		influence witnesses or tamper with evidence if protected by interim bail. It is further submitted that custodial interrogation is necessary to effectively investigate the larger conspiracy and confront the Petitioner with the material collected. Hence, no interim protection ought to be granted. In reply, learned Senior Counsel for the Petitioner would submit that the judgment relied on by the learned Senior Counsel representing State, is not applicable to the facts of the present case. Considering the submissions made and on perusal of the material on record, this Court is of the view that, the contention of the Petitioner that he was not originally named in the FIR cannot, by itself, absolve him from the obligation to cooperate with the investigation. It is well settled that an FIR is not an encyclopaedia of all facts and names, and that investigation may lead to the identification of additional accused persons. Furthermore, the issue as to whether the Petitioner can be construed to have been arrested, is a pure question of law, which would require a comprehensive examination of the factual matrix and the governing legal principles. This Court is of the considered view that the present stage of the proceedings is not appropriate for adjudication of the said issue. The reliance placed on interim protection granted by the High Court at Patna does not, in the considered view of this Court, dispense with the Petitioner's statutory duty to cooperate with the investigation. Interim protection from coercive steps cannot be construed as a shield against lawful investigation.	

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		Considering the nature of allegations levelled against the Petitioner, and balancing the rights of the Petitioner with the legitimate interests of the prosecution in conducting a free, fair and uninfluenced investigation, this Court is of the considered opinion that the ends of justice would be served by directing the Petitioner to appear before the Investigating Officer and join the investigation. Accordingly, this petition is disposed of with a direction to the Petitioner to appear before the Investigating Officer on or before 05.03.2026 at 10.00 a.m., and join the investigation. The Petitioner shall appear before the Investigating Officer every day from 10.00 a.m., to 05.00 p.m., till the next date of hearing, depending on the instructions of the Investigating Officer and shall cooperate with the Investigating Agency. The Investigating Officer shall ensure that the investigation is conducted strictly in accordance with law without resorting to any coercive measures. Dr.VJP, J <u>Crl.P.No.1635 of 2026</u> Learned counsel representing both sides are directed to submit their arguments on the next date of hearing. List the matter on 09.03.2026. Dr.VJP, J <i>Note: Issue C.C today B/o. Dinesh</i>	