

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY

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: 106 OF 2021

Between:

Sk.Mahaboob Basha, S/o. Shall Miah, 28 years R/o.19-48-17-1A,
Bandimetta, Alisha Bagh, Kurnool Town, now in central prison, Kadapa,
C.T.No.9043.

Apellant/Accused

AND

The State of Andhra Pradesh, rep.by its Inspector of Kurnool II Town
P.S., through Public Prosecutor, High Court Buildings, Amaravathi.

Respondent

Petition Under Section 430(1 & 2) of BNSS, 2023 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 passed in SC No. 291 of 2018 on the file of Sessions Judge, Kurnool, Judgement dated 08.12.2020, and release the petitioner on bail, pending disposal of the above criminal appeal no. 106 of 2021, and Pending disposal of CRLA No. 106 of 2021, on the file of the High Court.

The petition/Appeal 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 Petitioner, PUBLIC PROSECUTOR (AP) for the Respondent and the Court made the following.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).
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 Sessions Judge, Kurnool, vide S.C.No.291 of 2018, dated 08.12.2020, 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, Kadapa. He further contends that the petitioner/accused has undergone five (05) years, two (02) months and three (3) 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 (CrI.A.M.P.No.1687 of 2016 in CrI.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.25,000/- (Rupees Twenty Five Thousand only) with two (02) sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Kurnool.

6. The petitioner/appellant/accused is directed to report before the concerned Station House Officer i.e., Inspector of Police, Kurnool II Town Police Station, once in a month, i.e., on the 1st 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.

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

SD/- K.J.RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Kurnool /
2. The SHO, Kurnool II Town P.S., Kurnool.(by RPAD) /
3. One CC to SRI. G VIJAYA SARADHI Advocate [OPUC] /
4. Two CC's to Public Prosecutor, High Court of AP at Amaravati. [OUT] /
5. One spare copy

HIGH COURT

KSR,J
&
AHHS,J

DATED: 17/02/2026

ORDER

IA No. 1 OF 2026
IN
CRLA NO: 106 OF 2021



DIRECTION