



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

[3396]

TUESDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2465/2026

Between:

- 1.KUSETTY MAHESH KUMAR, S/O., GOVINDARAO, AGED ABOUT 28 YEARS, R/O. RAMAKRISHNA NAGAR BUCHIREDDY PALEM, NELLORE DISTRICT.
- 2.KUSETTY MANI KUMAR,, S/O. GOVINDARAO, AGED ABOUT 35 YEARS, R/O. RAMAKRISHNA NAGAR BUCHIREDDY PALEM, NELLORE DISTRICT.

...PETITIONER/ACCUSED(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor High Court of Andhra Pradesh At Amaravati.

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to direct release of petitioners on bail in the event of their arrest pursuant to the registration of Crime No. 23 of 2026 dated 19.02.2026 on the file of Balajinagar Police Station, Nellore District, and pass

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant interim anticipatory bail to the petitioners in the event of their arrest pursuant to the registration of Crime No.

23 of 2026 dated 19.02.2026 on the file of Balajinagar Police Station, Nellore District, pending disposal of CRL.P before this Hon'ble court

Counsel for the Petitioner/accused(S):

1.VARADAM SAI LIKHITH

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 2465/2026****ORDER:-**

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the petitioners/Accused Nos. 2 and 3, for granting of pre-arrest bail in connection with Crime No. 23 of 2026 dated 19.02.2026 on the file of Balajinagar Police Station, Nellore District, registered for the offences punishable under Sections 318(4), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS"), Sections 3 and 4 of Andhra Pradesh Gaming Act and Section 66-D of Information Technology Act, 2000. Subsequently, Section 27 of Indian Arms Act was also added vide memo dated 20.02.2026.

2. Heard Sri T.Nagarjuna Reddy, learned Senior Counsel assisted by Sri Varadam Sai Likhith, learned counsel for the petitioners and Mrs.K.Priyanka Lakshmi, learned Assistant Public Prosecutor representing on behalf of the State.

3. The prosecution case, in brief, is that, believing the deceitful representations of A1, the complainant started investing money by downloading the Radhe Exchange App (R777) through a link provided by A1, initially investing a sum of Rs. 1,00,000/-, which he lost; thereafter, on the inducement and guidance of the accused, he invested further amounts with a view to recover the loss, even by selling his assets and pledging his gold, and

in this process, A2, A3, and A4 collected money from the complainant for investment in the said online application; however, upon losing the entire amount, when the complainant confronted A1, he stated that the money had been lost in cricket betting and refused to refund the same, and further, A1 to A3 criminally intimidated the complainant by threatening that if he disclose the said activities to anyone or demanded repayment, they would cause harm to him.

4. Learned counsel for the petitioners would submit that the petitioner herein is Accused Nos. 2 and 3 and that no specific overt acts are attributed to them in the present matter. It is further submitted that the investigation might have been completed. The learned counsel would further submit that the petitioners have been falsely implicated in this case. It is further submitted all the remaining offences are punishable with imprisonment for less than seven (7) years, including the Section 27 (1) of the Indian Arms Act and that the petitioner is ready to abide by any conditions that may be imposed by this Court. Therefore, it is prayed that this Court may be pleased to grant pre-arrest bail to the petitioner.

5. *Per contra*, learned Assistant Public Prosecutor vehemently opposed the grant of pre-arrest bail to the petitioner, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the petitioner is released on pre-arrest bail, there is a strong likelihood that he may abscond, thereby hampering the ongoing investigation

and evading the process of law. She would further submit that the police have seized big knives which were used for threatening the complainant from the house of the Accused No.1. She finally prays for dismissal of the petition.

6. Considering the submissions made, upon perusal of the material available on record, and taking into account the facts and circumstances of the case, this Court is of the view that, prima facie, all the offences including the Section 27 (1) of the Indian Arms Act, appears to be punishable with imprisonment for a term of less than seven years. Learned counsel for the petitioner, however, vehemently contended that Section 27 of the Arms Act has no application to the petitioners/Accused Nos. 2 and 3, as the long knives were seized from the house of Accused No.1. Be that as it may, the said long knives were not seized from the house of the Accused Nos. 2 and 3. This is not the stage to decide the culpability by accepting the allegations. The fact remains that the big knives were seized from the house of Accused No.1. The petitioners herein are the Accused Nos.2 and 3.

7. In that view of the matter, the Criminal petition is disposed of, with the following;

- a. Investigating Officer is at liberty to complete the investigation, in accordance with law.
- a. In the event of any coercive action sought to be taken against the Petitioner, 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 in ***Satender Kumar Antil vs. CBI and another***².

- b. The petitioners are at liberty to be accompanied by their counsel while appearing at the police station to receive the notice under Section 35(3) of the BNSS.

As a sequel thereto, the miscellaneous applications, if any, pending in this Criminal Petition shall stand closed.

DR.VENKATA JYOTHIRMAI PRATAPA, J

Date: 07.04.2026.

Note: Issue CC today,
B/o.
UPS

¹ (2014) 8 SCC 273

² 2026 INSC 115

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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