



**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: 3818/2025

Between:

1.HARSHA SAI KATHIRA,, S/O. RADHA KRISHNA KATHIRA, AGED
ABOUT 26 YRS., OCC- YOU TUBER, R/O. 13-96, KASPA STREET,
KASIMKOTA, VISAKHAPATNAM - 531031, A.P

...PETITIONER/ACCUSED

AND

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

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1.KIRAN KUMAR VADLAMUDI

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

The Court made the following:

Order:

The Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), by the petitioner/Accused No.3, seeking anticipatory bail in connection with Crime No.34 of 2025 of Cyber Crime Police Station, Visakhapatnam Commissionerate, registered for the offences punishable under Sections 111(2), 318(4), 46 read with 61(2) of Bharatiya Nyaya Sanhita, 2023 and Section 3, 4 of Andhra Pradesh Gaming Act, 1974 and Section 66-C, 66-D of Information Technology Act, 2000 (as amended in 2008).

2. Learned counsel for the petitioner would submit that on 29.04.2025, this Court passed an interim order, having considered the submission that the ingredients of Section 111(1) of BNS would not attract to the facts of the present case, as it does not come under the explanation given to "continuing to unlawful activity" and in view of the same, this Court directed the police not to take coercive steps against the petitioner till the next date of hearing. It is further submitted that in the absence of applicability of Section 111(1) of BNS, the remaining offences against the petitioner are punishable with imprisonment of less than 7 years.

3. Learned Assistant Public Prosecutor, representing the State, would submit that if Section 111(1) of BNS is held to be inapplicable to the present case, the other offences alleged are punishable with imprisonment below seven years, and appropriate directions may be issued to the police, and the matter may be disposed of accordingly.

4. Learned counsel for the petitioner would submit that recording the above submission of learned Assistant Public Prosecutor, this petition may be disposed of.

5. In that view of the matter, since it is observed that Section 111(1) of BNS is not applicable to the facts of the present case, this Court directs the police to strictly adhere to the procedure contemplated under Section 41A of Cr.P.C. (corresponding to Section 35 of BNSS, 2023) and to scrupulously follow the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar and another**¹.

6. With the above direction, the Criminal Petition is disposed of.

As a sequel thereto, the miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 10.02.2026
ARB

¹ (2014) 8 SCC 273

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 3818 of 2025

Date: 18.02.2026

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