



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

[3396]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2827/2026

Between:

1.G HARI KRISHNA, S/O. G. GOPALA NAIDU AGED 55 YEARS.
PROPRIETOR OF M/S.SURYA ROCKS, D.NO. 16-399,
NIMMANAPALLE ROAD, D.K.PALLI, MADANAPALLE, ANNAMAYYA
DISTRICT ANDHRA PRADESH

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC
PROSECUTOR HIGH COURT OF ANDHRA PRADESH, AMARAVATI
THROUGH THE FOREST RANGE OFFICER, PUNGANUR,
ANNAMAYYA DISTRICT

...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 may be pleased to direct to enlarge the
petitioner/A-1 on bail in the event of his arrest in connection with
O.R.No.93/2025- 26 dated 25-01-2026 on the file of I Additional Judicial
Magistrate of First Class Court, Punganur, Annamayya District, Andhra
Pradesh / Station House Officer, Forest Range Officer, Punganur,
Annamayya District

Counsel for the Petitioner/accused:

1.KAVITHA GOTTIPATI

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 2827/2026****ORDER:**

The Criminal Petition, under Section 482 of BNSS, is filed on behalf of the petitioner herein/Accused No.1, seeking to grant anticipatory bail in connection with O.R.No.93/2025-26 dated 25-01-2026 on the file of the learned I Additional Judicial Magistrate of First Class Court, Punganur, Annamayya District, Andhra Pradesh / Station House Officer, Forest Range Officer, Punganur, Annamayya District, registered for the offence punishable under Sections 20(1)(c)(ii)(v)(vi)(vii)(ix)(x), 52(d), 62A (3) of the A.P.Forest Act, 1967, as amended by A.P. Act 15/2016 and under Rule 3 of the A.P. Forest Produce Transits Rules, 1970 under Section 2 of the Forest Conservation Act, 1980 and under Section 221, 303, & 309(6) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of the prosecution, in brief, is that on 22.01.2026, forest officials noticed illegal activities being carried out at Musalidinne, located in Boyakonda Reserve Forest, Compartment No. 103, by quarry lease workers of Surya Rocks, and alleged that the Manager of Surya Rocks behaved in a rude and discourteous manner with the forest staff and threatened them with dire consequences. Thereafter, on 23.01.2026, additional staff were deployed to the site of the incident to prevent such illegal activities; however, the quarry operations were not stopped despite the same.

3. Heard Ms. Kavitha Gottipati, learned counsel for the petitioner/accused No.1, and Mrs. K.Priyanka Lakshmi, learned Assistant Public Prosecutor representing on behalf of the State. Perused the record.

4. Learned counsel for the petitioner/Accused No.1 brought to the notice of this Court the pendency of litigations in W.P. Nos. 19098 of 2018 and 25655 of 2018, wherein a Coordinate Bench of this Court passed orders directing the District Collector to arrange for a detailed joint survey with the revenue and survey officials on 26.09.2018. The Forest Range Officer, Punganur, subsequently registered a case in O.R. No. 39/2020–21 against the petitioner. Questioning the same, the petitioner/Accused No.1 filed W.P. No. 12585 of 2020 before this Court, wherein a Coordinate Bench granted stay of arrest of the petitioner for a period of ten days, which was later extended until further orders. The Divisional Officer, Mines and Geology, Palamaner, issued a notice dated 05.12.2024 directing the petitioner to stop quarry operations. Challenging the same, the petitioner filed W.P. No. 6329 of 2025 and, in I.A. No. 1 of 2025, a Coordinate Bench of this Court granted interim suspension of the said proceedings. Subsequently, the petitioner filed Contempt Case No. 2616 of 2025 before this Court against the respondents. It is alleged that the respondents, with intent, issued a notice under Section 35(3) of BNSS and registered a case in O.R. No. 53/2025–26.

5. As can be seen from the record, the fact remains that there is no clarity regarding the ownership of the leased property as between the Forest Department and the Revenue Department, despite a joint inspection having

been conducted. Be that as it may, the present case is criminal in nature, wherein the allegations have been made that when the Forest Officials visited the site and attempted to stop the mining activity, they were attacked by Accused Nos. 2 to 5. However, as per the contents of the complaint, the presence of the petitioner/Accused No.1 at the scene of the alleged incident is not indicated.

6. In that view of the matter, leaving it open to the concerned Departments as well as the petitioner to work out their remedies in respect of the said dispute, it is appropriate to dispose of the present petition with the following directions:

- a. Investigating Officer is at liberty to complete the investigation, in accordance with law.
- b. 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 ***Satender Kumar Antil vs. CBI and another***².
- c. The petitioner shall surrender his passport, if any, to the Investigating Officer. If he claims that he does not have a

¹ (2014) 8 SCC 273

² 2026 INSC 115

passport, he shall submit an affidavit to that effect to the concerned Court.

- d. The petitioner shall not leave the country without express permission from the concerned Court.
- e. The petitioner shall not directly or indirectly tamper with evidence nor influence, intimidate, or induce any prosecution witnesses and cooperate in all means for the purpose of investigation.
- f. The petitioner shall appear before the Investigating Officer as and when required and shall cooperate with further investigation, if any and shall provide any information or material documents for the purpose of investigation.
- g. The petitioner shall not indulge in the commission of any such or similar offences.
- h. This protection will be continued to the petitioner subject to her conduct and cooperation to the investigation failing which, the prosecution is at liberty to take appropriate steps.
- i. If any incriminating material is found against the Petitioner and if custodial interrogation of the Petitioner is necessary, the Investigating Officer is at liberty to obtain necessary permission from the jurisdictional Court and proceed in accordance with law.

6. This Court makes it clear that it has not expressed any opinion touching upon the merits of the lease obtained by the petitioner from the authorities, and the authorities are at liberty to work out their remedies in accordance with law with regard to the legality of the said lease.

7. Accordingly, the Criminal Petition is disposed of.

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

DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 20.04.2026.

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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Dt.20.04.2026

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