

APHC010187632026



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

[3396]

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2776/2026

Between:

1. M JAGAN KUMAR, S/O KRISHNAMURTHY, AGED ABOUT 37 YEARS, R/O- D.NO.3-19, BHUJABALAPATNAM, KAIKALURU, ANDHRA PRADESH-521340
2. M DIVYA TEJA, W/O M. JAGAN KUMAR, S/O KRISHNAMURTHY, AGED ABOUT 32 YEARS R/O- D.NO.3-19, BHUJABALAPATNAM, KAIKAIURU, ANDHRA PRADESH-521340.
3. KANIGOLLA NAGA VENKATA MANIKANTA, AGED ABOUT 43 YEARS, R/O- D.NO.7B-15-19, UPPU VARI STREET, ELURU, ANDHRA PRADESH-534001.
4. KANIGOLLA LAKSHMI KALYANI, AGED ABOUT 42 YEARS R/O- D.NO.7B-15-19, UPPU VARI STREET, ELURU, ANDHRA PRADESH-534001.

**...PETITIONERS / ACCUSED Nos.1, 2, 4 & 5
AND**

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMARAVATI, GUNTUR DISTRICT.
2. CH. SURYA CHAKRAVENI, DISTRICT CHILD WELFARE OFFICER, R/O- ELURU, ELURU DISTRICT, ANDHRA PRADESH.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioners/accused(S):

1. UMESH CHANDRA P V G

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') has been filed by the Petitioners / Accused

Nos.1, 2, 4 and 5, seeking anticipatory bail in connection with Crime No.65 of 2026 on the file of III Town Police Station, Eluru District, which is registered for the offences under Sections 143(4) read with 3(5) of BNS and Sections 81, 87 of Juvenile Justice (Care and Protection of Children) Act, 2015.

2. Heard Sri P.V.G.Umesh Chandra, learned counsel for the Petitioners / Accused Nos.1, 2, 4 and 5 and Ms.K.Priyanka Lakshmi, Assistant Public Prosecutor for State / Respondent.

3. Learned counsel for the Petitioners would submit that Accused Nos.4 and 5 are implicated in this crime when they adopted a female child with the help of their family members, i.e., Petitioners / Accused Nos.1 and 2. It is further submitted that Accused Nos.4 and 5 are issueless and on their request, Accused Nos.1 and 2 had found a female child for adoption through their known source, who is Accused No.3. Learned counsel would further submit that the ingredients of the offences alleged against the Petitioners do not attract against them. It is further contended that there are no criminal antecedents against Accused Nos.4 and 5. Learned counsel would finally submit that the case of Accused Nos.4 and 5 may be considered for grant of anticipatory bail.

4. Learned Assistant Public Prosecutor opposed the petition and submits that there are specific allegations against the Petitioners. It is further contended that Accused Nos.4 and 5 purchased a baby girl from Accused Nos.1 and 2 and thereby attracted the alleged offences against the

Petitioners. The investigation is at the nascent stage. There are no grounds to grant anticipatory bail at this stage. Hence, prayed for dismissal of the petition.

5. Learned counsel for the Petitioners, in reply, would submit that, Accused No.1 was acquitted from the case registered against him under NDPS Act. It is further submitted that there is no money trail between the Petitioners herein. Learned counsel would further submit that, no exploitation of child can be attributed to Petitioners / Accused Nos.4 and 5.

6. Considering the submissions made and on a perusal of the record, this Court finds that the allegation against Accused Nos.4 and 5 is that they have obtained custody of a female child through Accused Nos.1 to 3, and that such transaction amounts to an illegal purchase of a child. On the other hand, the contention of the Petitioners is that Accused Nos.4 and 5, being issueless, intended to adopt a child and, in that process, were introduced to Accused No.3 through Accused Nos.1 and 2.

7. A careful reading of the material placed on record would disclose that the prosecution has alleged purchase of a minor child. However, the contention that there is no money trail, at this stage, has to be substantiated through investigation. Further, it is not in dispute that Accused Nos.4 and 5 are childless. This Court also takes note of the fact that no criminal antecedents have been attributed to Accused Nos.4 and 5. The contention of the learned Assistant Public Prosecutor that the investigation is at a nascent stage has been duly considered. In the present case, there is no material placed before this Court to indicate that the Petitioners / Accused Nos.4 and 5

are likely to abscond, tamper with evidence, or influence witnesses. The apprehension of the prosecution, though not unfounded, can be adequately addressed by imposing appropriate conditions.

8. In view of the above, this Court is of the considered opinion that, while the allegations require thorough investigation, the custodial interrogation of Accused Nos.4 and 5 is not warranted at this stage. Accordingly, this Court finds that Accused Nos.4 and 5 are entitled to the benefit of protection under Section 35(3) of the BNSS, subject to stringent conditions to ensure their cooperation with the investigation. However, considering the stage of investigation and the nature of accusations, this Court is of the view that it is not a fit case to extend the discretionary relief of anticipatory bail to Accused Nos.1 and 2.

9. Accordingly, the Criminal Petition is disposed of:

- (i) Investigating Officer is at liberty to complete the investigation, in accordance with law.
- (ii) In the event of any coercive action sought to be taken against the Petitioners / Accused Nos.4 and 5, concerned Police Authorities are directed to scrupulously follow the procedure prescribed under Section 35(3) of BNSS.
- (iii) The Petitioners / Accused Nos.4 and 5 shall appear before the Investigating Officer as and when required, shall cooperate with further investigation, if any and shall provide any information or material documents for the purpose of investigation.
- (iv) This protection will be continued to the Petitioners / Accused Nos.4 and 5 subject to their conduct and cooperation to the

investigation failing which, the prosecution is at liberty to take appropriate steps.

- (v) If any incriminating material is found against the Petitioners / Accused Nos.4 and 5 and if their custodial interrogation is necessary, Investigating Officer is at liberty to obtain necessary permission from the jurisdictional Court and proceed in accordance with law.

The petition is dismissed in respect of Petitioners / Accused Nos.1 & 2.

Pending miscellaneous applications, if any, shall stand closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 23.04.2026

Note: Issue C.C today

B/o.

Dinesh

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Crl.P.No.2776 of 2026

Dt.23.04.2026

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