



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

[3396]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 2928/2026

Between:

1.V KUMARESSAN, S/O. VELUSWAMYAGED 61 YEARS, OCC HOTEL WORKERSR/O. NO.1 /10, SERVAIKARANPATTI, THUMMALKUNDU POST,VEDASANDUR TALUK, DINDIGUL DISTRICT. TAMILNADU

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT BUILDINGS, NELAPADU, GUNTUR.

2.K KURAPPASWAMY PALANISWAMY, S/O. KARUPPASWAMYAGED 47 YEARS, CATE KAPU, R/O. VEPPAADAI VILLAGE,AND MANDAL, VIZAYANAGARAM DISTRICTANDHRA PRADESH STATE.

...RESPONDENT/COMPLAINANT(S):

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 enlarge the petitioner/Accused (A1) on Anticipatory Bail in the event of their arrest in connection with FIR No.102 of 2025 of for the offences under Sections Vallampudi Police Station, Vizianagaram District. 118(1),316(4),318(4) r/w 3(5) BNS and to pass

Counsel for the Petitioner/accused:

1.M SOLOMON RAJU

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA**CRIMINAL PETITION NO: 2928/2026****ORDER:-**

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the petitioner/Accused No.1, for granting of pre-arrest bail in connection with FIR No.102 of 2025 of Vallampudi Police Station, Vizianagaram District, registered for the offences punishable under Sections 118(1),316(4),318(4) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The prosecution's case is that the de facto complainant, who was engaged in a money-lending business, had employed two persons to collect repayments from borrowers and, due to his ill health, entrusted them with the responsibility of collection; however, they failed to remit the collected amounts to him. When the complainant visited the residence of Accused No. 1, he found the house locked and vacant, and upon contacting Accused No. 2, he was informed that Accused No. 1 had absconded with the collected money; when the complainant further questioned Accused No. 2, the latter allegedly threatened him and assaulted him with a stick.

3. Heard Sri M.Solomon Raju, learned counsel for the petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor for the State. Perused the record.

4. Learned Assistant Public Prosecutor would submit that the Accused No.2 in this matter was released by the police after issuance of notice under Section 35(3) of the BNSS., in this matter.

5. Learned counsel for the petitioner would submit that the case of the Accused No.1 stands on the same footing as that of Accused No.2. He would further submit that recording the same, the petition may be disposed of by giving protection to the petitioner *vide* guidelines of the Hon'ble Apex Court in ***Arnesh Kumar v. State of Bihar*¹**.

6. Considering the submissions, and in view of the fact that the police have issued notice under Section 35(3) of the BNSS to Accused No. 2 and released him on station bail, the Criminal Petition is disposed of with the following::

- 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 further directed to scrupulously follow the procedure prescribed under Section 35 (3) of BNSS., [Section 41-A Cr.P.C] and the guidelines laid down by the Hon'ble Supreme Court in *Arnesh Kumar's case (supra)*.

¹ (2014) 8 SCC 273

- c. The petitioner shall make himself available for investigation and shall cooperate with the investigating officer for further investigation.

Consequently, miscellaneous applications pending, if any, shall stand closed.

Date: 22.04.2026.
UPS

DR.VENKATA JYOTHIRMAI PRATAPA, J

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Dt: 22.04.2026

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