

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI



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

:PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 1 OF 2026

IN

CRLA NO: 280 OF 2026

Between:

Chelli Anand Swaroop, S/o. Rajendra Prasad, Aged about 51 years, R/o.
Flat No.405, Sai Lakshmi Towers, 4th Lane, Lakshmipuram, Guntur, Guntur
District.

...Appellant/Accused

AND

1. The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court
of Andhra Pradesh, Amaravathi.

...Respondent/Complainant

2. (Mother of the Victim)

...Respondent/De-Facto Complainant

Petition under Section 430(1) of BNSS, 2023, is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the execution of the sentence of imprisonment imposed on the Petitioner in S.C.No.44 of 2019, dated 24.03.2026 on the file of the Special Court for Speedy Trial of Offences under the Protection of Children from Sexual Offences Act (POCSO Act), Guntur, Guntur District., and direct to release the Petitioner on bail, pending disposal of CRLA No. 280 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri S.Dilip

Jaya Ram, Advocate for the Appellant and of Public Prosecutor for Respondent, The Court made the following

ORDER:

“Heard Sri S. Dilip Jaya Ram, learned counsel for the petitioner/appellant, and Sri A. Sai Rohit, learned Assistant Public Prosecutor appearing for the 1st respondent State.

2 The petitioner/appellant is the sole accused in S.C. No. 44 of 2019 on the file of the learned Special Court for the speedy trial of offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), Guntur.

3 The petitioner/appellant was found guilty of the offence punishable under Sections 354-A IPC and Section 12 of the POCSO Act, 2012. Accordingly, he was convicted under Section 235(2) Cr.P.C. and sentenced to undergo simple imprisonment for a period of three (3) years and to pay a fine of Rs. 20,000/- (Rupees Twenty Thousand only), and in default of payment of fine, to suffer simple imprisonment for a period of thirty (30) days, for the offence under Section 12 of the POCSO Act, 2012.

4 Learned counsel for the petitioner/ appellant submitted that the learned trial Court erroneously convicted the petitioner/appellant without properly appreciating the facts and evidence on record. Hence, the petitioner/appellant has preferred the present appeal challenging the judgment of the learned trial Court on various grounds.

5 The learned counsel further submitted that the petitioner/appellant was released on bail by the learned trial Court in an application filed under Section 389(3) Cr.P.C. (equivalent to Section 430(3) of BNSS, 2023) to enable him to file an appeal before the appellate Court for a period of thirty (30) days, which expires today, i.e., 23.04.2026, though the prescribed period for filing the appeal is sixty (60) days. He further submitted that the petitioner/appellant has paid the fine amount and filed the original receipt along with the grounds of appeal.

6 The learned counsel further submitted that the sentence imposed by the learned trial Court is a fixed sentence of three (3) years; that there are fair chances of success in the appeal; and that there is no likelihood of the appeal being taken up for hearing in the near future.

7. He also submitted that the appeal may take considerable time for hearing and, considering the circumstances of the case, the petitioner/appellant may be released on bail by suspending the sentence of imprisonment imposed by the learned trial Court.

8. The learned Additional Public Prosecutor opposed the application; however, no written objections were filed.

9. Considering the above facts and circumstances of the case, and as the sentence imposed by the learned trial Court is a fixed sentence of three (3) years, and there is no likelihood of the appeal being heard in the near future, this Court is of the considered opinion that *“the order of sentence of imprisonment alone imposed by the learned Special Court*

for the speedy trial of offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), Guntur, vide judgment dated 24.03.2026 passed in S.C. No. 44 of 2019, shall be suspended in respect of the petitioner/appellant/ accused, subject to the same terms and conditions imposed by the learned trial Court in the application filed under Section 389(3) Cr.P.C. (equivalent to Section 430(3) of BNSS, 2023), in addition to the following conditions”:

- i) The petitioner/appellant shall not visit, contact, annoy, or intimidate the victim or her family members in any manner.
- ii) The petitioner/appellant shall not leave the country without prior permission of the Court.
- iii) In the event of violation of any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of bail.

10. Accordingly, the application is ordered.”

//TRUE COPY//

SD/- N.SRINIVASA RAO
ASSISTANT REGISTRAR

Shankh
SECTION OFFICER

To,

1. The IV Additional Civil Judge(Junior Division), Guntur, Guntur District.
2. The Special Court for Speedy Trial of Offences under the Protection of Children from Sexual Offences Act (POCSO Act), Guntur, Guntur District.
3. One CC to Sri S.Dilip Jaya Ram, Advocate [OPUC]
4. Two CCs to Public Prosecutor, High Court of AP, Amaravati. [OUT]
5. One spare copy

HIGH COURT

BVLNC,J

DATE:23/04/2026

ORDER

I.A.NO.1 OF 2026

IN

CRLA.No.280 of 2026

SUSPENSION

