

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

MAIN CASE No: Crl.Nos.3081 and 3121 of 2026

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
01.	17.04.2026	<u>Dr.YLR, J</u> Issue notice to the Respondent Nos.1 and 2. The State is permitted to take out personal notice on the Respondent Nos.1 and 2 and file proof to that effect. Heard Sri D. Srinivas, learned Advocate General appearing for the State/Petitioner. <i>Ex facie</i>, the impugned orders dated 15.04.2026 and 16.04.2026 respectively, refusing to remand Respondent No.1/Accused No.1 in Crl.P. No. 3081 of 2026 and Respondent No.1/Accused No.2 in Crl.P. No. 3121 of 2026 to judicial custody for a period of 14 days, as requested by the Investigating Officer through the remand report dated 15.04.2026, suffers from two major infirmities. Firstly, the learned Magistrate failed to take note of the important fact that the Investigating Officer had served notices on Accused Nos.1 and 2 under Section 35(3) of the BNSS, which were refused by them. There is evidence to that effect through the mediators,	<i>contd...</i>

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	17.04.2026	namely M. Prakash and B.A. Srinivas. Secondly, the learned Magistrate failed to consider the reasons assigned by the Investigating Officer for arresting the accused, namely that they have been maintaining various social media platforms such as Facebook, Instagram, Twitter, WhatsApp, and fourteen different email accounts, and have been continuously indulging in the alleged offences without any lawful justification. Indeed, the impugned order does not reflect consideration of these aspects. It appears that the learned Magistrate has mechanically refused to authorize remand and declined judicial custody merely by citing the judgment of the Hon'ble Apex Court in Arnesh Kumar v. State of Bihar¹. It is also apposite to refer to the judgment of the Division Bench of this Court in Mohammad Jamal v. State of Andhra Pradesh², wherein at paragraphs 7 and 8 it is held that when an accused fails to appear before the police officer or fails to comply with the terms of the notice issued under Section 35(3) of the BNSS, the Investigating Officer is	<i>contd...</i>

¹(2014) 8 SCC 273

² W.P.No.25514 of 2024 dated 10.12.2025

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	17.04.2026	empowered to arrest the accused. Therefore, the impugned remand orders are liable to be suspended until further orders. List on 21.04.2026. _____ Dr.YLR, J KMS	

Dr.YLR, J
Crl.P.Nos.3081 and 3121 of 2026
Dated 17.04.2026

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