



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

[3396]

**TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 3123/2026

Between:

BURAGA NANI ALIAS VIJAY SURYA ALIAS SURYA ALIAS VIJAYA
ALIAS CHINNA NANI, S/O. YESUPADAM, AGE 29 YEARS, H.NO.239,
INDIRAMMA COLONY, KOMADAVOLE VILLAGE, ELURU.MANDAL,
ELURU DISTRICT.

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC
PROSECUTOR HIGH COURT OF ANDHRA PRADESH AT
AMARAVATI THROUGH THE STATION HOUSE OFFICER ELURU
RURAL POLICE STATION, ELURU DISTRICT

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. KAMBHAMPATI RAMESH BABU

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The instant Criminal Petition is filed under Sections 480 & 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), by the Petitioner / Accused No.1 seeking regular bail in connection with Crime No.249 of 2025 on the file of Eluru Rural Police Station, Eluru which is registered for the offences under Sections 61(2), 103(1) and 351(3) read with 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. The case of the prosecution, in brief, is that, on 31.08.2005 at 2.00 p.m., Petitioner / Accused No.1 called the deceased Rajesh while he was inside the house, and took him away. Soon after the neighbor by name Satish shouted that Rajesh was being killed, the daughter of the defacto complainant namely Sanjana rushed out and saw the Petitioner / Accused No.1 attacking her father, and thereupon she shouted that the petitioner/A1 was killing her father. Immediately, defacto complainant who is the wife of the deceased Rajesh, her son and one Nagamani rushed out and witnessed Petitioner / Accused No.1 stabbing and hacking the deceased with a knife on his neck, chest and head. When the daughter of the deceased Sanjana attempted to approach the deceased, Petitioner / Accused No.1 threatened the defacto complainant and her daughter by warning that he would kill them if they come closure to him. Thereafter the Petitioner / Accused No.1 and his associates fled away from that place in a white car with the word. "YUVA" written on its rear side, and when the co-sister of the defacto complainant by name Ratnam tried to stop them, they drove the car towards her, but she narrowly escaped, and thereafter the deceased was shifted to Government Hospital, Eluru, where he was declared dead.

3. Heard Sri Kambhampati Ramesh Babu, learned counsel for the Petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor for State.

4. Learned counsel for the Petitioner would submit that the Petitioner is innocent of the alleged offences and is falsely implicated in the present case.

Learned counsel would further submit that the entire case rests on the interested witnesses and there is no independent corroboration. It is further submitted that the investigation has been completed and the charge sheet has also been filed. Learned counsel further submits that Accused Nos.2 and 3 in this case have already been enlarged on bail *vide* Order dated 04.02.2026 in CrI.P.No.537 of 2026 of this Court. It is submitted that the role attributed to the Petitioner is not higher than that of the co-accused, who have already been granted bail. It is submitted that the Petitioner is ready to furnish sureties to the satisfaction of the Court. Hence, prayed to enlarge the Petitioner on bail.

5. Learned Assistant Public Prosecutor though submits that the investigation in the present crime has been completed and charge sheet has also been filed, opposed the petition and contends that this is a heinous crime of murder committed by the Petitioner. It is further submitted that as charge sheet is being filed, there is likelihood of witness tampering or intimidation if bail is granted. Hence, prayed for dismissal of the petition.

6. Considered the submissions made by the learned counsel representing both sides and a bare perusal of the record would disclose that the allegations against the present Petitioner are grave in nature. The material collected during the course of investigation, as reflected in the charge sheet, *prima facie* discloses the involvement of the Petitioner in the commission of the alleged offences. Though the learned counsel for the Petitioner contended that the case rests upon interested witnesses and there is no independent

corroboration, such aspects cannot be gone into in detail at this stage of consideration of bail. Admittedly, the investigation has been completed and charge sheet has also been filed. However, having regard to the nature and gravity of the accusations and the manner in which the offence is alleged to have been committed, this Court is not inclined to exercise discretion in favour of the Petitioner.

7. So far as the contention of parity with the other Accused, who were granted bail, is concerned, the same cannot be accepted in the facts and circumstances of the present case. The role attributed to the present Petitioner, as borne out from the material on record, stands on a different footing and requires deeper consideration during trial. Therefore, the Petitioner cannot claim bail as a matter of right on the ground of parity alone. Further, considering the apprehension expressed by the prosecution regarding the possibility of witness tampering or intimidation, this Court finds substance in the said contention, particularly in view of the serious nature of the allegations.

8. Accordingly, the Criminal Petition is dismissed.

Pending applications, if any, shall stand closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:28.04.2026
Dinesh

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Crl.P.No.3123 of 2026

Dt.28.04.2026

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