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APHC010334432026



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

[3521]

MONDAY, THE 13th DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5330/2026

Between:

1.SANAM BHANU PRAKASH, S/O KOTAYYA, AGED 32
YEARS,PERMANENT R/O. H.NO 3-80, OC
COLONY,G.KOTHAPALLE, DWARAKA TIRUMALA MANDALELURU
ERSTWHILE WEST GODAVARI DISTRICT.

...PETITIONER/ACCUSED

AND

1.THE STATE OF ANDHRA PRADESH, Through the Station House
Officer,Palamaner Urban Police Station,Chittoor District,Rep. by its
Public Prosecutor,High Court of Andhra Pradesh at Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1.K JYOTHI PRASAD

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

The Court made the following:

ORDER:

Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ by the Petitioner/Accused No.3, for granting of pre-arrest bail in connection with Crime No.120 of 2026 of Palamaner Urban Police Station, Chittoor District, registered for the alleged offences punishable under Sections 115(2), 118(1), 140(2), 308(2) and 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity, 'the BNS').

2. The case of the prosecution is that the de-facto complainant lodged a report on 12.06.2026 stating that he had earlier instituted Insolvency Petition No.10 of 2021 before the learned Senior Civil Judge, Palamaner, against several respondents including Accused No.1. It is alleged that on 07.06.2026, while the de-facto complainant was proceeding near Vadduru Cross, Accused No.1 along with other accused intercepted his vehicle, forcibly took him to Pulivendula, assaulted him, removed gold ornaments weighing about 900 grams, demanded huge amounts from his relatives. Based on these allegations, the Respondent Police registered Crime No.120 of 2026 of Palamaner Urban Police Station, Chittoor District against Accused Nos.1 to 5 and certain unknown persons.

3. Mr.K.Jyothi Prasad, the learned counsel for the Petitioner submits that the Petitioner/Accused No.3 is absolutely innocent and has been falsely implicated without any legally admissible material. He was never present at the alleged place of occurrence and no specific overt act is attributed against him.

¹ 'the BNSS'

No recovery of gold ornaments, ransom amount, or incriminating article has been effected from him, and there is no scientific or electronic evidence connecting him to the alleged offence. The entire dispute arises out of financial transactions and Insolvency Petition No.10 of 2021, and criminal law cannot be misused to settle civil disputes. The unexplained delay in lodging the complaint further casts serious doubt on the allegations. In these circumstances, custodial interrogation is wholly unwarranted and anticipatory bail deserves to be granted. Hence, it is urged to allow the Criminal Petition.

4. *Per contra*, Mr. A. Sai Rohith, the learned Assistant Public Prosecutor, submits that the allegations against the Petitioner are grave and serious in nature, involving offences of kidnapping, wrongful confinement, assault, extortion, and removal of gold ornaments. It is contended that the FIR clearly discloses the role of the Petitioner/Accused No.3, and the plea of false implication is untenable at this stage and that the custodial interrogation is necessary to unearth the larger conspiracy, recover the stolen property, and secure material evidence. He further submits that the unexplained delay in lodging the complaint does not dilute the seriousness of the allegations, which are supported by the consistent version of the de-facto complainant. It is urged that anticipatory bail cannot be granted merely on the ground of absence of recovery, as the investigation is still underway and several witnesses remain to be examined. Hence, it is urged to dismiss the Criminal Petition.

5. Thoughtful consideration is bestowed on the arguments advanced by the both the learned Counsel. I have perused the record.

6. In the light of the case of the prosecution and the contentions of the learned Counsel for both the sides, now the point for consideration is:

“Whether the Petitioner is entitled for grant of pre-arrest bail?”

7. On perusal of the record, at the outset, it has to be pointed out that the Petitioner, without approaching the learned Sessions Judge at the first instance seeking anticipatory bail, has directly approached this Court, such procedure is contrary to the law laid down by the Hon’ble Apex Court in **Mohammed Rasal.C v. State of Kerala**² and **Jagdeo Prasad v. State of Bihar and others**³.

8. The Hon’ble Apex Court in **Mohammed Rasal. C supra** wherein at paragraph Nos.7, 8 and 9 it was held as follows:-

“7. The Sessions Judge exercises powers under Section 438 Cr.P.C in relation to all cases registered with the police stations in the particular District. This area-wise distribution of work would make it much more convenient and facilitate expeditious disposal, if the application for pre-arrest bail is first filed before the Sessions Court which would have a direct and first-hand assistance of the concerned Public Prosecutor appointed for that particular District. The Sessions Court would also have an immediate access to the Case Diary thereby facilitating a better appreciation of facts of the case.

8. We further feel that if the practice of entertaining the applications for pre-arrest bail directly in the High Court is encouraged, and the parties concerned are not relegated to first approach the Sessions Court concerned, the High Court would be flooded with a spate of pre-arrest bail applications thereby creating a chaotic situation. We say so, because if the parties are required to approach the Sessions Court concerned for seeking remedy of pre-arrest bail, there is a strong probability that significant number of applications would be

² Special Leave to Appeal (Crl) Nos. 6588 of 2025, dated 08.09.2025.

³ Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

allowed at that level only thereby acting as a filtration process before the process reaches the High Court.

9. It is trite that in most of the States, there is a consistent practice requiring the litigant concerned to first approach the Sessions Court for seeking relief of pre-arrest bail and only in the event of denial of such relief, the litigant would be granted access to approach the High Court for seeking such relief. This is, of course, subject to just exceptions and the High Court, for reasons to be recorded, may entertain an application for pre-arrest bail directly in special/ extraordinary circumstances.”

9. The Hon'ble Apex Court in **Jagdeo Prasad** *supra* wherein at para No. 6 as under:

"6. However, before parting, we do wish to express our sincere concern with the haste at which the High Court has dealt with this matter. While the scheme of Criminal Procedure Code, 1973 (now Bharatiya Nagarik Suraksha Sanhita, 2023) provides concurrent jurisdiction to the High Court and Sessions Court for entertaining applications for anticipatory bail, this Court has time and again observed that High Court should always encourage exhausting an alternative/concurrent remedy before directly interfering itself. This approach balances the interests of all the stakeholders, first by giving the aggrieved party a round of challenge before the High Court. Second, this approach provides the High Court an opportunity to assess the judicial perspective so applied by the Sessions Court, in concurrent jurisdiction, instead of independently applying its mind from the first go. Further, the High Court fails to record any reason for directly granting anticipatory bail without impleading the appellant-complainant as a party."

10. Albeit this Court has got concurrent jurisdiction under Section 482 of 'the BNSS.,' such discretionary relief would only be granted, when the Petitioner establishes a special case or extra ordinary circumstance.

11. The learned counsel for the Petitioner submits that the Petitioner has got a special or extraordinary circumstance to approach this Court directly, stating that W.P.No.16681 of 2026 was filed by the mother of the Petitioner against the police on 22.06.2026. The case was listed on 25.06.2026 and adjourned for instructions at the request of the learned Government Pleader for Home.

On the very date of filing of the Writ Petition, the Respondent Police obtained the signatures of the father and younger son of the Petitioner on a notice under Section 179(1) of 'the BNSS' and set them free from the alleged illegal custody of the police at Palamaner, Chittoor District. It is further submitted that the father and younger son of the Petitioner were taken into custody without any warrant, though they were subsequently let off.

12. On perusal of the record, it is clear that the role of the Petitioner/Accused No.3 surfaced based on the confession of Accused No.1. It is alleged by the de-facto complainant that the Petitioner, along with other accused, impersonated police officials from Kerala, high-handedly kidnapped the complainant, and extorted money from him, pursuant to which a huge amount was parted by the complainant. The investigation is still at a nascent stage and several crucial witnesses are yet to be examined. For effectively completing the investigation, his custodial interrogation is required to elicit further facts in the course of investigation, as specific accusations have been levelled against the Petitioner

13. In view of the specific overt acts attributed against the Petitioner, this Court is not inclined to grant pre-arrest bail to the Petitioner, as it would amount to giving a shield, or protection or license to the Petitioner who had allegedly caused severe injuries to the victim, as per the judgments of the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Panjab**⁴ and

⁴(1980) 2 SCC 565

Sushila Aggarwal v. State of (NCT of Delhi)⁵. Hence, this Criminal Petition against the Petitioner/Accused No.3 is liable to be dismissed.

14. In the result, the Criminal Petition is dismissed.

DR. Y. LAKSHMANA RAO, J

Date: 13.07.2026
PRA

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 5330 of 2026

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PRA