

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE 14th DAY OF JULY, 2026

: PRESENT:

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

IA No. 1 OF 2026

IN

CRLA NO: 418 OF 2026

Between:

Kotra Gopi, S/o.Srinivasa Rao, aged about 23 years, R/o.Raghavapuram village, Nandigama Mandal, Krishna District

...Petitioner/Appellant

AND

1. The State of Andhra Pradesh, rep.by SI of Police, Nandigama Police Station, through Public Prosecutor, High Court, Velagapudi, Amaravathi
2. Victim Women

...Respondent/Respondent

Counsel for the Petitioner: Sri V V L N Sarma

Counsel for the Respondent: Public Prosecutor

Petition under Section 430 (1) of BNSS is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the sentence awarded in S.C.No.148/2025 on the file of the Court of the Court of the IX Additional District and Sessions cum Special Court for trial of offences, Judge against Women, Krishna and consequently release him from jail, Pending disposal of CRLA No.418 of 2026, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

Heard Sri V.V.L.N.Sarma, learned counsel for the petitioner/appellant/convict and Ms.P.Akhila Naidu, learned Assistant Public Prosecutor representing the State.

Petitioner is the sole accused in S.C.No.148 of 2025 on the file of the learned IX Additional District and Sessions Judge-cum-Special Court for Trial of Offences against Women, Krishna, Machilipatnam.

Learned counsel for the petitioner/appellant would submit that the petitioner/convict was found guilty for the offence under Section 376 r/w 511 of IPC. Accordingly, he was convicted and sentenced to undergo rigorous imprisonment for a period of five (05) years and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) in default, shall undergo simple imprisonment for a period of three (03) months for the offence under Section 376 r/w 511 of IPC.

Learned counsel for the petitioner/appellant would further submit that the petitioner has paid the fine amount and filed the original receipt along with the appeal grounds.

Learned counsel for the petitioner/appellant/convict would further submit that the appeal has been filed challenging the judgment of the trial Court on facts and in law, and there is a fair chance of succeeding in the appeal. There are no allegations of breach of bail bonds during the trial. The sentence of imprisonment imposed by the trial Court is a fixed sentence of five years, and there is no possibility of hearing the appeal

in the near future. Therefore, the order of sentence of imprisonment imposed by the trial Court may be suspended, pending disposal of the appeal.

Learned Assistant Public Prosecutor opposed the application. However, she would submit that, as per the instructions received from the police, there are no criminal antecedents against the accused in the present case.

Considering the above facts and circumstances, and the fact that the sentence of imprisonment is a fixed sentence of five (5) years and that there is no possibility of hearing the appeal in the near future, *"the order of sentence of imprisonment alone imposed by the learned IX Additional District and Sessions Judge, Judge-cum-Special Court for Trial of Offences against Women, Krishna, Machilipatnam, vide judgment dated 29.06.2026 in S.C.No.148 of 2025 shall be suspended, pending disposal of the appeal, and the petitioner/appellant/convict shall be released on bail, subject to the following conditions":*

- i) The petitioner/appellant shall be enlarged on bail, on executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only), with two (02) sureties for a like sum each, to the satisfaction of the learned trial Court.
- ii) On such release, the petitioner/appellant shall appear before the trial Court, on every fourth Saturday of the month, till disposal of the Appeal.
- iii) The petitioner/appellant shall not contact, intimidate or annoy the victim or her family members in any manner in future.
- iv) The petitioner/appellant shall not leave the country without permission of the Court.

v) If the petitioner/appellant violates any of the above conditions, the prosecution is at liberty to file an application seeking cancellation of the bail.

Accordingly, the application is ordered.

SD/- K J RAJA BABU
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Addl Judicial Magistrate of First Class, Nandigama
2. The IX Addl District and Sessions Judge cum Special Court for Trial of Offences against Women, Krishna, Machilipatnam
3. The Superintendent, Central Prison, Nellore
4. The Station House Officer, Nandigama Police Station
5. One CC to Sri V V L N Sarma, Advocate [OPUC]
6. Two CCs to Public Prosecutor, High Court of Andhra Pradesh [OUT]
7. One spare copy

HIGH COURT

BVLNC, J

DATED: 14/07/2026

LIST THE MATTER IN THE MONTH OF OCTOBER, 2026 IN USUAL
COURSE

ORDER

IA NO.1 OF 2026

IN

CRLA NO: 418 OF 2026

INTERIM SUSPENSION

