

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

IA No. 2 OF 2025

IN

CRLP NO: 8394 OF 2025

Between:

Anapalii Uday Bhaskar, S/o Yanadaiah, Aged 45 years, R/o Kovuru Village
and Mandal SPSR Nellore District.

Petitioner/Accused

AND

1. The State of Andhra Pradesh, Rep.by Station House Officer, Kovur
Police Station, SPSR Nellore District, through Public Prosecutor, High
Court of Andhra Pradesh at Amaravati.
2. Garikapati Rajendra, S/o Ramanaiah, Aged 40 years, MPTC, Bit-1, TDP
Party Member, R/o Yellayapalem Village, Kodavalur Mandal SPSR
Nellore District.

Respondent/Complainant

Counsel for the Petitioner :MS. GRANDHI PRIYANKA

Counsel for the Respondent No.1 :PUBLIC PROSECUTOR

Petition under Section 482 of Criminal Procedure code/ Section 528 of
BNSS is filed praying that in the circumstances stated in the affidavit filed in
support of the petition, the High Court may be pleased to stay all further
proceedings in FIR No. 219 of 2025 on the file of Kovur Police Station, SPSR
Nellore District including arrest of the petitioner, Pending disposal of
CRLP No. 8394 of 2025, 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 learned counsel for the petitioner.

Learned counsel for the petitioner would submit that the offences are punishable below seven years of imprisonment and a direction may be given to the Police to follow the guidelines issued by Hon'ble Apex Court in Arnesh Kumar v. State of Bihar reported in (2014) 8 SCC 273, since Section 35(3) of BNSS is pari materia to Section 41-A of the Code of Criminal Procedure.

Learned Assistant Public Prosecutor fairly conceded the same and would submit that a direction may be given to the Police to follow the procedure as established under Section 35(3) of BNSS Act since the offences are punishable with an imprisonment of below seven years.

In that view, the Police are directed to follow the guidelines issued by the Hon'ble Apex Court in Arnesh Kumar's case (supra) scrupulously."

//TRUE COPY//

**SD/- N.NAGAMMA
ASSISTANT REGISTRAR
SECTION OFFICER**

To,

- 1. The Station House officer, Kovur Police Station, SPSR Nellore District**
- 2. Garikapati Rajendra, S/o Ramanaiah, Aged 40 years, MPTC, Bit-1, TDP Party Member, R/o Yellayapalem Village, Kodavalur Mandal SPSR Nellore District. (by RPAD- along with a copy of petition and memorandum of grounds)**
- 3. One CC to MS. GRANDHI PRIYANKA Advocate [OPUC]**
- 4. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]**
- 5. One spare copy**

HIGH COURT

DR.VJP,J

DATED:13/08/2025

ORDER

IA No. 2 OF 2025

IN

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DIRECTION

