

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY ,THE TWELFTH DAY OF AUGUST

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATHEJA

IA No. 2 OF 2025

IN

CRLP NO: 8388 OF 2025



Between:

1. Alluri alias Alluru Narasimha Raju, W/o Late A.Tirupathi Raju, aged 68 yrs, R/o.D.No.50-1-47/4,PNo-5 ASR Nagar, Seethammadhara ,Visakhapatnam Urban, Vishakapatnam District, Andhra Pradesh (A2)
2. Alluri alias Alluru Narayana Raju, S/o Alluru Subbaraju, aged 64 yrs R/o,FlatNo-602,8-3-169/18/19, Sri Sai Viswanatha towers ,Kalyan Nagar phase-3 Moti Nagar,P/o Santha Nagar,Ameerpet Hyderabad, Telengana State(A5)
3. Mantena Subrahmanyam Raju alias Mantena Venkata Subrahmanyam Raju, age 64 yrs S/o Gowtham Budda Raju, R/o.H.No.1-27,Nagula Cheruvu Gattu, Pennada Agraharam ,Pennada village Palakoderu Mandalam ,WestGodavari District Andhra pradesh(A6)
4. Arepalli Durga Dhana Raju, S/oArepalli Surya Sankara Rao, age 39 yrs R/o,H.No.6-194 ,P.P Road , Near Pumthalo Musamma Temple Street,Vissakoderu Village ,Palakoderu Mandalam , West Godavari District ,Andhra pradesh(A7)
5. Sirra Rajesh, S/o Sirra Anthony, age 27 yrs R/o,H.No.7-20,Near Church Street, Kancharadibba Vissakoderu Village ,Palakoderu Mandalam West Godavari District Andhra pradesh(A8)

...Petitioners/A-2,5 to 8

(Petitioner in CRLP 8388 OF 2025

on the file of High Court)

AND

1. The State Of Andhra Pradesh, Through Inspector of Police Bhimavaram I Town Police Station , Bhimavaram Town and Madal West godavari District, Andhra pradesh Rep.by Public Prosecutor High Court of A.P,Amaravati
2. Vegesna Subba Raju, S/o V.Satyanarayana Raju, Represents his wife V.Anuradha through SPA,Dt 27/09/2023 Aged 59 yrs, R/o.Flat No 203,Vijayalakshmi Towers , Opposite Cosmo Club ,Bhimavaram Town and Mandal West Godavari District ,Andhrapradesh

...Respondent(s)

(Respondents in-do-)

Counsel for the Petitioners : SRI VUNDAVALLI JAGADISH VC

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 grant stay of all further proceedings including arrest of the petitioners/A2,A5 to A8 in FIR No. 162/2025 dt.05-07-2025 on the file of the Station House Officer, Bhimavaram I Town Police Station, Bhimavaram Town and Mandal, West Godavari District, Andhra Pradesh, Pending disposal of CRLP No. 8388 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 petitioners.

Learned counsel for the petitioners 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//

For

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Inspector of Police Bhimavaram I Town Police Station ,
Bhimavaram Town and Madal Westgodavari District,Andhra pradesh
2. Vegesna Subba Raju, S/o V.Satyanarayana Raju, Represents his wife
V.Anuradha through SPA,Dt 27/09/2023 Aged 59 yrs, R/o.Flat No
203,Vijayalakshmi Towers , Opposite Cosmo Club ,Bhimavaram Town
and Mandal West Godavari District ,Andhrapradesh(By RPAD)
3. One CC to SRI. VUNDAVALLI JAGADISH VC Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
5. One spare copy

HIGH COURT

DR.VJP,J

DATED:12/08/2025

FOR COUNTER, LIST THE MATTER ON 09.09.2025.

ORDER

IA No. 2 OF 2025

IN

CRLP NO: 8388 OF 2025

DIRECTION

