

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI ✓

TUESDAY, THE SEVENTH DAY OF OCTOBER, ✓

TWO THOUSAND AND TWENTY FIVE ✓

:PRESENT: ✓

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO ✓

CRIMINAL PETITION NO: 10054 OF 2025 ✓



Between:

1. B.Subba Reddy, S/o. Late Pedda Narasimha Reddy, aged about 50 years, cultivation, residing at Annagaripalle Village, Thamballapalle Mandal, Annamayya District. ✓
2. B.Sujathamma, W/o. B.Subba Reddy, aged about 50 years, Occ: cultivation, residing at Annagaripalle Village, Thamballapalle Mandal, Annamayya District. ✓

...Petitioners/Accused No.1 & 2 ✓

AND

The State of Andhra Pradesh, Rep. by its Station House Officer, Thamballpalli Police Station, Through Public Prosecutor, High Court of Andhra Pradesh, At Amaravathi. ✓

...Respondent/Complainant ✓

Petition under Section 482 of BNSS, is filed praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioners herein/Accused No. 1 and 2 on Anticipatory bail in the event of their arrest in Cr. No. 39 of 2025 on the file of Thamballapalli Police Station, Annamayya District. ✓

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri V.Nitesh, Advocate for the Petitioners and of Public Prosecutor for Respondent, the Court made the following

**ORDER:**

This criminal petition has been filed, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, by the petitioners-accused Nos. 1 and 2 seeking for granting of pre-arrest bail to them in crime No. 39 of 2025 of Thamballapalli Police Station, Annamayya District, registered for the offences punishable under Sections 118 (1) and 351 (2) read with Section 3 (5) of the Bharatiya Nyaya Sanhita, 2023.

**CASE OF THE PROSECUTION:**

2. On 09-08-2025 at about 5.30 p.m. at Annagaripalli Village, Diguvalpalyam Panchayat, Thamballapalle Mandal, Annamayya District, de facto complainant went to the house of accused No. 1 who is his younger brother to discuss the quarrels erupted over the inherited land. Then, accused No. 1 and his wife-accused No. 2 scolded him, threatened and attacked him with a bamboo stick and caused bleeding injuries to his head and blunt injuries on legs and hands.

**CONTENTIONS OF LEARNED COUNSEL FOR THE PETITIONERS:**

3. Sri V.Nitesh, learned counsel for the petitioners, submits that the petitioners are innocents and have been falsely implicated in the alleged offences, without any cogent evidence linking to the commission of the crime. It is contended that petitioner No. 1 is the sole breadwinner of his family and his arrest would cause undue hardship and prejudice to the dependents of petitioner No. 1. The petitioners undertake to abide by any condition that this Court may impose while granting pre-arrest bail to the petitioners.

4. It is further submitted that the petitioners have permanent place of residence and there is no likelihood of him absconding or evading the process of law. It is also urged that the allegations are of a nature that do not warrant custodial interrogation, and if any condition is imposed while granting the pre-arrest bail, the petitioners would not violate it; and it is urged to allow the petition.

**ARGUMENTS OF THE STATE:**

5. *Per contra*, Ms. Akhila Naidu, learned Assistant Public Prosecutor, strenuously opposed the grant of pre-arrest bail, contending that the investigation is still underway and several material witnesses yet to be examined. It is submitted that enlargement of the petitioners on pre-arrest bail at this stage would seriously hamper the progress of the investigation and may result in non-cooperation from the petitioners. The prosecution further apprehends that the petitioners, if released, may influence or intimidate witnesses, thereby obstructing the course of justice. It is also urged that there exists a real and imminent risk of the petitioners absconding and evading the due process of law. Given the gravity of the allegations and the potential threat to the integrity of the investigation, it is submitted that the petitioners do not deserve the discretionary relief of pre-arrest bail and it is urged to dismiss the bail petition.

6. Thoughtful consideration is bestowed on the arguments advanced by learned counsel for both sides. I have perused the entire record.

**POINT FOR CONSIDERATION:**

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

*“Whether the petitioners are entitled for grant of pre-arrest bail?”*

**ANALYSIS:**

8. The allegation against the petitioners-accused Nos. 1 and 2, as seen from the record, is that accused No. 1 beat de facto complainant with a bamboo stick indiscriminately and caused grievous injuries. The petitioner-accused No. 2, who is wife of accused No. 1, beat de facto complainant with her hands and legs. De facto complainant is elder brother of accused No. 1. There is a civil dispute pending in between de facto complainant and the petitioners *vide* O.S.No. 134 of 2025 on the file of the Court of learned Civil Judge (Junior Division), Thamballapalli. The said suit was filed for partition between the brothers. There are specific overt acts attributed against the petitioner-accused No. 1. In the hands of the petitioner-accused No. 1, de facto complainant, who is elder brother of accused No. 1, allegedly suffered grievous injury. Grant of anticipatory bail is neither a shield for those persons who took the law into their hands nor it is a shield or protection for those persons against whom specific accusations are levelled as per the judgments of the Hon'ble Apex Court in ***Gurbaksh Singh Sibbia v. State of Punjab***<sup>1</sup> and ***Sushila Aggarwal v. State of Delhi***<sup>2</sup>.

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<sup>1</sup> (1980) 2 SCC 565

<sup>2</sup> (2020) 5 SCC 1

**CONCLUSION:**

9. There are no merits for grant of pre-arrest bail to the petitioner-accused No. 1. Hence, the petition is liable to be dismissed insofar as the petitioner-accused No. 1 is concerned and the same is accordingly dismissed. The petitioner-accused No. 2 is a female, aged about 50 years and she is sister-in-law of de facto complainant. The allegations against the petitioner-accused No. 2 are milder in nature when compared to the allegations against the petitioner-accused No. 1.

10. Considering the facts and circumstances of the case and the nature and gravity of allegations levelled against the petitioner-accused No. 2, this Court is inclined to grant pre-arrest bail to her with the following stringent conditions:

- (i) In the event of arrest, the petitioner-accused No. 2 shall be enlarged on bail subject to her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of arresting officials;
- (ii) The petitioner-accused No. 2 shall appear before the Station House Officer concerned on every Saturday in between 10:00 am and 05:00 pm till filing of charge sheet;
- (iii) The petitioner-accused No. 2 shall not commit or indulge in commission of any offence in future;

- (iv) The petitioner-accused No. 2 shall cooperate with the investigating officer in further investigation of the case and shall make herself available for interrogation by the investigating officer as and when required;
- (v) The petitioner-accused No. 2 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the court or to any police officer; and
- (vi) The petitioner-accused No. 2 shall surrender her passport, if any, to the investigating officer. If she claims that she does not have a passport, she shall submit an affidavit to that effect to the Investigating Officer.

11. The criminal petition is accordingly partly allowed.

//TRUE COPY//

SD/- M.PRABHAKARA RAO  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Station House Officer, Thamballipalli Police Station, Annamayya District.
2. One CC to Sri V.Nitesh, Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court of A.P., Amaravati.[OUT]
4. One spare copy.

PSD

HIGH COURT

DR.YLR,J

DATE:07/10/2025

ANTICIPATORY BAIL ORDER

CRLP.No.10054 of 2025

PARTLY ALLOWED

