

APHC010512692025



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

[3521]

THURSDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10047 OF 2025

Between:

1. NARTHU RAJA ALIAS ROHIT RAJU, S/O. BHANOJI RAO ALAGE 18 YEARS, OCC STUDENT R/O.D.NO.6-27-B, S.V.G.N.COLONY, EDUPURAM SRIKAKULAM DISTRICT
2. DASARI NAGARAJU ALIAS LINGARAJU, S/O JOGARAO AGE 22 YEARS, OCC STUDENT R/O. D.NO.5-58, GOLLA STREET, ITCHAPURAM POSTEDUPURAM, SRIKAKULAM DISTRICT
3. MADDILI JAGANNATH ALIAS JAGANNADHAM, S/O. MADILA NAGAMA AGE 50 YEARS, OCC DAILY WAGE LABORER R/O. V.JAYANTAPUR, AMBAAM, GANJAM, BANSOLA, ODISHA
4. DASARI RAJAYYA, S/O. APPALA SWAMI AGE 35 YEARS, OCC DAILY WAGE LABORER R/O. D.NO.5-58, GOLLA STREET, ITCHAPURAM POST EDUPURAM, SRIKAKULAM DISTRICT
5. MADDILA NAVEEN, S/O. JAGANNADHAM AGE 20 YEARS, OCC STUDENT R/O. SRIVENUGOPALA SWAMY COLONY, EDUPURAM, ICHAPURAM, SRIKAKULAM DISTRICT
6. JUTTU SATYAM, R/O. LINGAYYA AGE 20, OCC STUDENT R/O. GOLLA STREET, ICHAPURAM, EDUPURAM POST, SRIKAKULAM
7. TELAGANA ANANDARAO ALIAS ANANDHU, S/O KONDANDARAO AGE 33 YEARS, OCC DAILY WAGE LABORER R/O. SRIVENUGOPALA SWAMY COLONY, EDUPURAM, ICHAPURAM, SRIKAKULAM DISTRICT

...PETITIONER/ACCUSED(S)

AND

1.THE STATE OF ANDHRA PRADESH, rep. by its Public Prosecutor,Through SHO Ichapuram Rual Police Station High Court of Andhra Pradesh at Amaravathi

...RESPONDENT/COMPLAINANT**Counsel for the Petitioner/accused(S):**

1.K RATNA SAGAR

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

The Court made the following Order :

The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioner/Accused Nos.1 to 5, 7 and 8 for granting of pre-arrest bail in connection with Crime No.49 of 2025 of Ichapuram Rural Police Station, Srikakulam District, registered for the alleged offence punishable under Sections 109(1), 115(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

CASE OF THE PROSECUTION:

2. The case of the prosecution is that on 14.06.2025 a dispute arose at the God Ramalingeswara Swamy Temple between Dasari Surendra and Accused No.2 brother and Buddepu Goja Rao, a member of Reddika Community over Surendra's presence while others were playing cards. However, on 17.06.2025 at about 11.00 hrs Accused No.1 and 2 beat Buddepu Joga Rao at sky drop, following which Boddepu Joga Rao and his men visited the house of Accused No.1 and 2 at Narthu Bhanu's house while riding motor cycle with his children. The defacto complainant escaped but the Accused chased and

attacked him and his associates with stick and shouting loudly by targeting causing bleeding injuries. Hence the above case was registered.

CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:

3. Sri K. Ratna Sagar, learned counsel for the Petitioners submits that the Petitioners have been falsely implicated in the instant proceedings and asserts that no offence, as alleged in the complaint, has been committed by them. It is contended that the Petitioners are the sole breadwinners of their family, and any coercive action, including arrest, would result in grave and irreparable hardship to his dependent family members. It is further submitted that the Petitioners are law-abiding citizens with a permanent place of residence and is willing to comply with any condition that this Court may deem fit and proper for the grant of anticipatory bail. The Petitioners undertake to cooperate fully with the ongoing investigation and assures the Court of his continued presence as and when required.

4. Learned Counsel for the Petitioners also submits that there is no recovery attributable to the Petitioner and that custodial interrogation is neither necessary nor justified in the facts and circumstances of the present case. The Petitioners have already extended full cooperation to the Investigating Officer and there exists no reasonable apprehension of his absconding or tampering with the prosecution evidence and it is prayed that this Court may be pleased to grant pre-arrest bail to the Petitioners/Accused No. 1, 7 and 8, in the interest of justice and equity.

ARGUMENTS OF THE ASSISTANT PUBLIC PROSECUTOR:

5. Per contra, Mr. Neelotpal Ganji, learned Assistant Public Prosecutor has strenuously opposed the prayer for anticipatory bail, asserting that the investigation is at a nascent and sensitive stage, and that custodial interrogation of the Petitioners are indispensable for unearthing material facts germane to the offence. It is submitted that enlargement of the Petitioners on pre-arrest bail at this juncture would seriously impede the investigative process, as there exists a grave apprehension that the Petitioners may not extend requisite cooperation and may attempt to evade the due process of law.

6. The prosecution further contends that the Petitioners, if granted the relief sought, may exert undue influence upon material witnesses or tamper with incriminating evidence, thereby vitiating the integrity of the investigation and obstructing the course of justice. Given the gravity of the allegations and the potential prejudice to a fair and impartial inquiry, it is prayed that the instant application be dismissed in the interest of justice and to safeguard the sanctity of the investigative process.

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

POINT FOR CONSIDERATION:

8. 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 Petitioners are entitled for grant of pre-arrest bail?”

ANALYSIS:

9. Learned counsel for the Petitioners would submit that after filing of the present Criminal Petition, Petitioner Nos. 2, 3, 4, and 5/ Accused Nos. 2, 3, 4 and 5 were arrested. Hence, the Criminal Petition in respect of Petitioners No.2 to 5/ Accused Nos. 2 to 5 is infructuous.

10. This is Second Bail Application, earlier this Court on 22.08.2025 in Criminal Petition No. 7902 of 2025 dismissed the application seeking for grant of pre-arrest bail. Learned counsel for the Petitioners 1, 7 and 8 seeks permission of this Court to surrender before the learned judicial Magistrate of First Class concerned and move appropriate application before the concerned court.

CONCLUSION:

11. Accordingly, The Criminal Petition filed against the Petitioners No. 2 to 5/ Accused Nos. 2 to 5 is dismissed as infructuous.

12. Further, the Criminal Petition is disposed of, granting liberty to the Petitioners No.1, 6 and 7/ Accused Nos. 1, 7 and 8 to surrender before the learned Magistrate of First Class concerned and move appropriate application before the Court concerned within one week from the date of receipt of a copy of this order. On such surrender, learned Magistrate of First Class concerned is directed to dispose of the Bail Application within a period of two (02) days by

affording due opportunity to the learned counsel on both sides and pass appropriate orders in accordance with law on his own merits.

DR. Y. LAKSHMANA RAO, J

Date: 09.10.2025

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10047 OF 2025

09.10.2025

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