

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI ✓

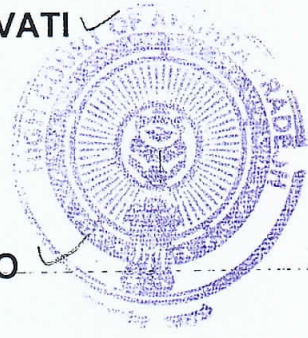
MONDAY, THE SIXTH DAY OF OCTOBER ✓

TWO THOUSAND AND TWENTY FIVE ✓

:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO ✓

CRIMINAL PETITION NO: 10243 OF 2025



Between:

Chunduri ✓ Pothularaiah, S/o Omkaram, Age 37
years, Mogilicharlavillage, Lingasamudram Mandal, Prakasam District. ✓

Petitioner/ Sole Accused ✓

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor High Court of
Andhra Pradesh, at Amaravati. ✓

Respondent

Petition under Section 480 & 483 of BNSS is filed, praying that in the
circumstances stated in the affidavit filed in support of the Criminal Petition,
the High Court may be pleased to release the Petitioner who is arrayed as
Petitioner / Accused on bail in connection with Crime. No. 66 of 2025 on the
file of Lingasamudram Police Station, SPSR Nellore District. ✓

The petition coming on for hearing, upon perusing the Petition and the
affidavit filed in support thereof and upon hearing the arguments of SRI
SIVAPRASAD REDDY VENATI Advocate for the Petitioner, Assistant Public
Prosecutor for the respondent and the Court made the following. ✓

ORDER



The Court made the following:

Order:

The Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioner/Accused on bail in Crime No.66 of 2025 of Lingasamudram Police Station, SPSR Nellore District, was registered against the Petitioner/Accused herein for the offences punishable under Section 109 (1) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

CASE OF THE PROSECUTION:

2. Material averments stemming from the case of the prosecution are that the complainant is a daily wage labourer and his brother namely Gopi used to sell tarpaulin sheets in Bangalore and one Mahindra of his village is working under his brother. The accused used to tell Mahindra something against his brother and in this regard, the complainant questioned the accused and then accused verbally abused the complainant and when he attacked him, his mother rescued him from the hands of accused. Keeping the said grudge, on 14.07.2025 at around 3.30 PM, while the complainant leaving home on his motorcycle to attend the Gangamma festival in Mogilicharla Village, the accused kicked him. As a result, he fell down from the motorcycle and then the accused attacked the complainant mercilessly with the knife, caused severe bleeding injuries on his abdomen and fled away from the spot. Later,

the mother of the complainant admitted him in Kandukur Government Hospital for treatment.

CONTENTIONS OF THE COUNSEL FOR THE PETITIONER:

3. Mr.Sivaprasad Reddy Venati, learned Counsel for the Petitioner submits that the Petitioner is innocent and has been falsely implicated in the alleged offence, without any cogent evidence linking to the commission of the crime. It is contended that the Petitioner is the sole breadwinner of his family and his arrest would cause undue hardship and prejudice to the dependents of the Petitioner. The Petitioner undertakes to abide by any condition that this Court may impose while granting bail to the Petitioner.

4. It is further submitted that the Petitioner has a permanent place of residence and there is no likelihood of him absconding or evading the process of law. The Petitioner has cooperated with the investigation thus far and assures continued cooperation in future proceedings. 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 bail, Petitioner would not violate it; and it is urged to allow the petition.

ARGUMENTS OF THE STATE:

5. *Per contra*, Ms. P.Akila Naidu, learned Assistant Public Prosecutor strenuously opposed the grant of bail, contending that the investigation is still underway and several material witnesses are yet to be examined. It is

submitted that enlargement of the Petitioner on bail at this stage would seriously hamper the progress of the investigation and may result in non-cooperation from the Petitioner. The prosecution further apprehends that the Petitioner, 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 Petitioner 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 Petitioner does not deserve the discretionary relief of bail and it is urged to dismiss the bail petition.

6. Thoughtful consideration is bestowed on the arguments advanced by the 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 the learned Counsel for both the sides, now the point for consideration is:

"Whether the Petitioner is entitled for grant of bail?"

ANALYSIS:

8. This is the second bail application. On the earlier occasion, in Crl.P.No.9216 of 2025, vide order dated 18.09.2025, the petition filed for grant of bail was dismissed on the ground that the investigation was at a nascent stage. The learned Assistant Public Prosecutor now submits that the

investigation is completed, but the charge sheet is yet to be filed. The petitioner was arrested on 19.07.2025 and has been in judicial custody for the past 47 days.

9. Considering the period of detention undergone by the Petitioner/Accused, the nature and gravity of allegations levelled against the Petitioner, and his alleged role played in the case, this Court is inclined to enlarge the Petitioner/accused on bail with the following stringent conditions:

- i. The Petitioner/Accused shall be enlarged on bail subject to he executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for the like sum each to the satisfaction of the learned Judicial First Class Magistrate, Kandukur.
- ii. The petitioner/Accused shall appear before the Station House Officer concerned, on every Saturday in between 10:00 am and 05:00 pm, till cognizance is taken by the learned the Trial Court.
- iii. The petitioner/Accused shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.
- iv. The petitioner/Accused shall not commit or indulge in commission of any offence in future.

v. The petitioner/Accused shall cooperate with the investigating officer in further investigation of the case and shall make himself available for interrogation by the investigating officer as and when required.

vi The Petitioner/Accused 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.

10. Accordingly, the Criminal Petition is allowed.

SD/- M PRABHAKARA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate, Kandukur.
2. The Superintendent, District Jail, Ongole, Prakasam District.
3. The SHO, Lingasamudram Police Station, SPSR Nellore District.
4. One CC to SRI. SIVAPRASAD REDDY VENATI Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh.[OUT]
6. One spare copy

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HIGH COURT

DR.YLR, J

DATED:06/10/2025

BAIL ORDER

CRLP.No.10243 of 2025

ALLOWED

