

[3521]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY ,THE TWENTY THIRD DAY OF OCTOBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 10716 OF 2025



Between:

Porivi Koteswara Rao alias Koti, S/o. Tulasaiiah, aged about 38 years,
Residing at Rajeev Gruhakaalpani Colony Near Iragalamma Temple, Nellore
City, SPSR Nellore District, Native of Mittapalem Village, Dakkili Mandal,
SPSR Nellore District.

Petitioner/Accused

AND

The State of Andhra Pradesh, Through the Station House Officer, Ozili Police
Station, SPSR Nellore District, Represented by the Learned Public
Prosecutor, High Court of Andhra Pradesh, Amaravati.

Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C, (New Sections 480 & 483
of BNSS, 2023) praying that in the circumstances stated in the affidavit filed
in support of the Criminal Petition, the High Court may be pleased to enlarge
the petitioner / Accused No.4 on regular bail in Crime No.35/2012 of Ozili
Police Station, SPSR Nellore District (PRC No.11/2016), registered for the
offences punishable under Sections 120-B and 392 IPC and Section 27(G) of
the Arms Act, on such terms and conditions as this Hon'ble Court may deem
fit and proper in the interest of justice,

COUNSEL FOR THE PETITIONER : SRI. BHOOMA MAHARSHI REDDY

COUNSEL FOR THE RESPONDENT : PUBLIC PROSECUTOR

THE COURT MADE THE FOLLOWING ORDER

The Court made the following:

ORDER:

The Criminal Petition has been filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.)/ Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the petitioner/Accused No.4 on bail in Crime.No.35 of 2012 of Ozili Police Station, Nellore District, registered against the petitioner/Accused No.4 herein for the offences punishable under Sections 392, 120-B of the Indian Penal Code, 1860 (for brevity 'the IPC') and Section 27(G) of the Arms Act.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the record.
3. As seen from the record, the petitioner/Accused No. 5 was involved in the alleged offence punishable under Sections 392 and 120-B of 'the IPC'. The case is of the year 2012, *vide* Crime No. 35 of 2012 of Ozili Police Station. Now the case is at the PRC stage and was registered as PRC No. 11 of 2016. The case could not be committed to the Sessions Court due to the absconding of the petitioner. The petitioner was arrested in connection with the crime on 04.07.2012 and was remanded to judicial custody. He was released on 17.02.2018.

Nearly for a period of more than five years he had been in the judicial custody as remand prisoner. It is contended by the learned counsel for the petitioner that the petitioner was regularly appearing, but due to the COVID-19 pandemic in 2019, he could not appear before the learned Trial Court. The petitioner was arrested on execution of NBW on 28.06.2025 and he has been in judicial custody for the past 117 days. The learned counsel for the petitioner submits that though normally the police secure the accused by executing an NBW, in this case, the petitioner himself appeared before the police and was subjected to arrest. The learned counsel for the petitioner contends that the reason assigned by the learned Trial Court for not enlarging the petitioner on bail is not convincing and reasonable. The petitioner is a permanent resident of Mittapalem Village, Dakkili Mandal, SPSR Nellore District, and he has got fixed abode.

4. Considering the gravity and nature of the allegations against the petitioner, his judicial detention for more than five years as a remand prisoner, and the fact that it would take a considerable length of time to commence the trial and bring the case to its legal conclusion, this Court is inclined to enlarge the petitioner/Accused No. 4 on bail subject to the following conditions:

- i. The petitioner/Accused No.4 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 Magistrate of First Class, Naidupet.
- ii. The petitioner/Accused No.4 shall appear before the learned VII Additional District and Sessions Judge, Gudur, on each and every adjournment without fail. In case the petitioner fails to appear before the learned Trial Court on any adjournment, the learned Trial Court is at liberty to proceed in accordance with law to secure the presence of the petitioner.
- iii. The petitioner/Accused No.4 shall not leave the limits of the State of Andhra Pradesh without prior permission from the Station House Officer concerned.
- iv. The petitioner/Accused No.4 shall not commit or indulge in commission of any offence in future.
- v. The petitioner/Accused No.4 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.

5. In the result, the Criminal Petition is allowed.

SD/-U.SRI DEVI
DEPUTY REGISTRAR

SECTION OFFICER

//TRUE COPY//

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To,

1. The VII Additional District and Sessions Judge, Gudur
2. The Judicial Magistrate of First Class, Naidupet
3. The Superintendent, Central Prison, Nellore
4. The Station House Officer, Ozili Police Station, SPSR Nellore District,
5. One CC to SRI. BHOOMA MAHARSHI REDDY Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court of A.P[OUT]
7. **One spare copy**

HIGH COURT

DR.YLR,J

DATED:23/10/2025

BAIL ORDER

CRLP.No.10716 of 2025

ALLOWED

