

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**TUESDAY, THE SEVENTH DAY OF APRIL,
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

THE HONOURABLE SRI JUSTICE K SURESH REDDY

AND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

IA No. 1 OF 2026

IN

CRLA NO: 844 OF 2025

Between:

Maddiboyina Sambasiva Rao @ Samba @ P.P., S/o.Khsaim, Aged about 25 years, R/o.Near Sivalayam Street, Ganapavaram Village, Nadendla Mandal, Palnadu District, A.P.

...Petitioner/Appellant/Accused No.2

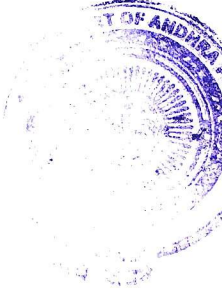
AND

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

...Respondent/Complainant

Petition under Section 430 of BNSS, 2023, is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the execution of sentence, passed by the XIII Additional District and Sessions Judge, Narasaraopet, Palnadu District, in Sessions Case No.49 of 2025, Dated 31.10.2025 and release the Petitioner/A-2 on Bail, pending disposal of the Criminal Appeal No.844 of 2025 before this Honble Court, arising out of Crime No.114 of 2024 of Nadendla Police Station, Nadendla Mandal, Palnadu 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 I.V.N.Raju, Advocate for the Appellant and of Public Prosecutor for the Respondent, the Court made the following

ORDER:

“The present application is filed by the (Appellant) Accused No.2 in Sessions Case No.49 of 2025 on the file of XIII Additional District and Sessions Judge, Narasaraopet, Palnadu District who suffered conviction filed Crl.A.No.844 of 2025.

2. The petitioner / accused was tried and convicted for the offences / charges under Sections 103(1), 70(1), 332(a) r/w. 3(5) of BNS, 2023 along with another accused (A1). He was sentenced to undergo to imprisonment for Life and to pay a fine of Rs.10,000/- for the offence punishable under Sections 103(1) r/w 3(5) of BNS, 2023 and in default of payment of fine, to suffer simple imprisonment for a period of 4 months; also sentenced to undergo imprisonment for Life, which shall mean imprisonment for the reminder of their natural life and shall pay fine of Rs.10,000/- for the offence punishable under Sections 70 (1) r/w 3(5) of BNS, 2023 and in default of payment of fine, to suffer simple imprisonment for a period of four months. He was also sentenced to undergo simple imprisonment for life and to pay fine of Rs.10,000/- for the offences under Section 332(a) r/w.3(5) of BNS and in default of payment of fine to suffer simple imprisonment for a period of two months; the sentences were ordered to run concurrently.
3. The petitioner / appellant /accused No.2 prayed for grant of bail on merits.
4. The case in succinct against the petitioner / appellant, is that one Shaik Mastan Bee (hereinafter referred to as the “the deceased”) was living by attending coolie works. She was living on the Southern side of the choultry room of Peerla Chavadi, Ganapavaram Village of Nadendla Mandal, Guntur District, within the limits of Nadendla Police Station. Accused No.1 was staying near Peerla Chavadi, and he developed lust over the deceased and shared his intention with Accused No.2. Then

both decided to do away the deceased after sexually assaulting her and in furtherance of their plan, on 09.08.2024 at 12:00 in the midnight, they trespassed into the room of the deceased. Accused No.1 shut her mouth and hands and Accused No.2 tied her legs with saree. Accused No.1 sexually assaulted the deceased and when asked Accused No.2 also to do sexual assault on the deceased, due to fear A2 could not do the same. Thereafter, both the accused confirmed that the deceased died and escaped.

5. The learned counsel for the petitioner submits that except the inadmissible confession, there is no other basis for connecting the appellant / accused No.2 with the commission of the offence and the findings of the learned Sessions Judge are baseless and perverse. The only basis on which the accused No.2 was found guilty by the learned Sessions Judge is that, accused No.1 alone could not have committed the offence by gaining access to deceased. The confession of the co-accused is not binding or relevant. Even as per the observation of the learned Sessions Judge, the confession Mediatornama was recorded at the Police Station. Therefore, there is no legal evidence. The accused belongs to Orissa State and recording of confession is by the person who is not conversant with Oriya language. All these merits are ignored by the learned Sessions Judge. Hence, there is prima facie case for grant of bail by this Court.

6. Learned Additional Public Prosecutor formally opposed granting of bail, contending that the reasoning of learned session judge as to petitioner/ accused No.2 helping accused No.1 in furtherance of common intention in the commission of crime is reasonable and there are no grounds to grant of bail.

7. Learned Additional Public Prosecutor has also submitted the information from the concerned Police that there are no previous cases against the petitioner / accused.

8. When consistent case of the appellant/accused No.2 is total denial and the observations of the learned Sessions Judge that sole accused [A1] might not have gained access and committed the offences and that accused No.2 did not claim his absence at the scene of offence, prima facie found baseless. Therefore, we are of the considered view that the petitioner /accused No.2 is entitled for grant of bail and suspension of execution of sentence during the pendency of the appeal.

9. Accordingly the petition is allowed as follows:

(i) The petitioner / appellant shall be released on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand Only) with two (02) sureties for a like sum each to the satisfaction of the Additional Civil Judge (Junior Division) Chilakaluripeta, Palnadu District.

(ii) The petitioner /accused No.2 and his sureties shall furnish permanent residential address details, including phone No.etc.

(iii) He shall report before the SHO, Nadendla Police Station once in a month i.e., on 1st Saturday of every month between 10:00 A.M. to 05:00 P.M.

(iv) The Concerned Police shall maintain a record of such appearance and if the petitioner fails to appear, they shall move an application for cancellation of bail.

(v) The petitioner /accused shall appear before this Court during hearing of the appeal.”

SD/- N.NAGAMMA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Additional Civil Judge (Junior Division), Chilakaluripeta, Palnadu District.

2. The XIII Additional District and Sessions Judge, Narasaraopet, Palnadu District.
3. The Superintendent, Central Prison, Nellore, SPSR Nellore District.
4. The Station House Officer, Nadendla Police Station, Nadendla Mandal, Palnadu District.
5. One CC to Sri I.V.N.Raju, Advocate [OPUC]
6. Two CCs to Public Prosecutor, High Court of AP, Amaravati. [OUT]
7. One spare copy.

PSD

HIGH COURT

KSR,J
&
AHHS,J

DATE:07/04/2026

ORDER

I.A.NO.1 OF 2026

IN

CRLA.No.844 of 2025

SUSPENSION

