APHC010280002026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4437/2026

Between:

1. B SATEESH KUMAR, S/O CHANDRA SEKHAR CHETTY, AGED ABOUT 57YEARS, OCC HGA LIC OF INDIA, R/O NAIDUPET, TIRUPATI DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Public Prosecutor, High Court of Andhra Pradesh, Through Station House Officer, Naidupet UPS.

...RESPONDENT/COMPLAINANT

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to grant Anticipatory Bail to the Petitioner and direct the Respondent Police to release the Petitioner on bail in the event of his arrest in connection with Crime No. 127/2026 of Naidupet UPS, Tirupati District, dated 02.05.2026 on such terms and conditions and pass

Counsel for the Petitioner/accused:

1. N RAVI PRASAD

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] by the Petitioner/Accused, for granting of pre-arrest bail in connection with Crime No.127 of 2026 of Naidupet Urban Police Station, Tirupati District, under the offences punishable under Sections 318(4), 316(5), 336(3) of 'the BNSS'.

2. Heard the learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

3. Learned counsel for the petitioner submits that the petitioner is suffering from severe diabetes and contends that this Court, in exercise of its extraordinary jurisdiction, may grant pre-arrest bail to the petitioner. A perusal of the record reveals that the petitioner has approached this Court directly without first seeking pre-arrest bail before the learned Sessions Judge. Such a course of action is contrary to the law laid down by the ***Mohammed Rasal.C v. State of Kerala***[2] and ***Jagdeo Prasad v. State of Bihar and others***[3], wherein it was held that the remedy before the Sessions Court should ordinarily be exhausted before invoking the jurisdiction of the High Court. Further, the health condition pleaded by the petitioner does not constitute a circumstance preventing him from approaching the learned Sessions Judge and seeking appropriate relief by way of an application for pre-arrest bail.

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[1] 'the BNSS'
[2] Special Leave to Appeal (Crl) Nos. 6588 of 2025, dated 08.09.2025.
[3] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

4. The Hon'ble Apex Court in ***Mohammed Rasal.C*** *supra* wherein at paragraph Nos.7, 8 and 9 it was held as follows:-

> *"7. The Sessions Judge exercises powers under Section 438 Cr.P.C in relation to all cases registered with the police stations in the particular District. This area-wise distribution of work would make it much more convenient and facilitate expeditious disposal, if the application for pre-arrest bail is first filed before the Sessions Court which would have a direct and first-hand assistance of the concerned Public Prosecutor appointed for that particular District. The Sessions Court would also have an immediate access to the Case Diary thereby facilitating a better appreciation of facts of the case.*
>
> *8. We further feel that if the practice of entertaining the applications for pre-arrest bail directly in the High Court is encouraged, and the parties concerned are not relegated to first approach the Sessions Court concerned, the High Court would be flooded with a spate of pre-arrest bail applications thereby creating a chaotic situation. We say so, because if the parties are required to approach the Sessions Court concerned for seeking remedy of pre-arrest bail, there is a strong probability that significant number of applications would be allowed at that level only thereby acting as a filtration process before the process reaches the High Court.*
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> *9. It is trite that in most of the States, there is a consistent practice requiring the litigant concerned to first approach the Sessions Court for seeking relief of pre-arrest bail and only in the event of denial of such relief, the litigant would be granted access to approach the High Court for seeking such relief. This is, of course, subject to just exceptions and the High Court, for reasons to be recorded, may entertain an application for pre-arrest bail directly in special/ extra-ordinary circumstances."*

5. The Hon'ble Apex Court in ***Jagdeo Prasad*** *supra* wherein at para No. 6 as under:

> *"6. However, before parting, we do wish to express our sincere concern with the haste at which the High Court has dealt with this matter. While the scheme of Criminal Procedure Code, 1973 (now Bharatiya Nagarik Suraksha Sanhita, 2023) provides concurrent jurisdiction to the High Court and Sessions Court for entertaining applications for anticipatory bail, this Court has time and again observed that High Court should always encourage exhausting an alternative/concurrent remedy before directly interfering itself. This approach balances the interests of all the stakeholders, first by giving the aggrieved party a round of challenge before the High Court. Second, this approach provides the High Court an opportunity to assess the judicial perspective so applied by the Sessions Court, in concurrent jurisdiction, instead of independently applying its mind from the first go. Further, the High Court fails to record any reason for directly granting anticipatory bail without impleading the appellant-complainant as a party."*

6. Albeit this Court has got concurrent jurisdiction under Section 482 of ‘the BNSS.,’ such discretionary relief would only be granted, when the Petitioner establishes a special case or extra ordinary circumstance. As seen from the averments, the Petitioner neither established a special case nor extra-ordinary circumstance. However, in view of the orders passed in ***Mohammed Rasal.C*** and ***Jagdeo Prasad*** *supra*, this Court is not inclined to exercise its discretionary power to grant pre-arrest bail to the Petitioner, as he has not approached the learned Sessions Judge concerned at first instance.

7. In view of the facts and circumstances of the case, this Criminal Petition is dismissed. However, liberty is granted to the Petitioner to approach the learned Sessions Judge by filing an application seeking grant of pre-arrest bail.

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DR. Y. LAKSHMANA RAO, J

Date: 22.06.2026
JLSR

98

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4437 of 2026

22.06.2026

JLSR