Date of reserved for orders : --
Date of pronouncement : 08.07.2026
Date of uploading :

APHC010303302026

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

WEDNESDAY, THE 8th DAY OF JULY 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4786/2026

Between:

1. SANNEBOYINA UMAMAHESWARA RAO, S/O. NANDESWARLU, AGED ABOUT 46 YEARS,OCC GOVERNMENT TEACHER, R/O. CHENNAYAPALEM VILLAGENELLORE, SPSR NELLORE DISTRICT, AP -524203

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY THE STATION HOUSE OFFICER,KAVALI RURAL URBAN POLICE STATION,SRI POTTI SRIRAMULU NELLORE DISTRICT,THROUGH THE PUBLIC PROSECUTOR,HIGH COURT OF A.P., AMARAVATI-522501
2. ARGALA KRISHNAIAH, S/O YANADAIAH,AGED ABOUT 55 YEARS, OCC AGRICULTURIST,R/O. CHENNAYAPALEM VILLAGE, KAVALI MANDAL.,ANDHRA PRADESH - 524203

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. GAJJALA MALLIKARJUNA REDDY

Counsel for the Respondent/complainant(S):

1. VIVEKANANDA VIRUPAKSHA
2. 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 No.1, for granting of pre-arrest bail in connection with Crime No.84 of 2026 of Kavali Rural UrbanPolice Station, Sri Potti Sriramulu Nellore District, registered for the alleged offences punishable under Sections 109(1), 118(1) and 115(2) read with 3(5) of the Bharatiya NyayaSanhita, 2023[2]and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the SC/ST (PoA) Act').

2. The averments of the case of the prosecution are that on 08.06.2026 at about 8.30 p.m., near Mulampeta Village of KavaliMandal, the de-facto complainant allegedly came to shift mud/soil for leveling his agricultural land and at that time the Petitioner along with other accused allegedly abused the complainant in the name of caste, attacked him with weapons and caused injuries.

3. Mr. Gajjala Mallikarjuna Reddy, the learned counsel for the Petitioner submits that the Petitioner has been falsely implicated solely because his brother, a local political leader, questioned the illegal mining activities allegedly

[1] 'the BNSS'
[2] 'the BNS'

supported by ruling party leaders. He further submits that the FIR contains vague and omnibus allegations without attributing any specific overt act against the Petitioner, who was not present at the scene of offence. The prosecution version suffers from contradictions and embellishments, while the allegations under 'the SC/ST (POA) Act' are false, mechanically incorporated, and do not satisfy the essential ingredients of Sections 3(1)(r), 3(1)(s), and 3(2)(va) of 'the SC/ST (POA) Act'.The Petitioner, being a Government Teacher with a fixed residence, deep roots in society, and no criminal antecedents, poses no risk of absconding or tampering with evidence. It is further submitted that custodial interrogation is unnecessary, and the Petitioner undertakes to cooperate with the investigation and abide by any condition imposed by this Court. Hence, it is urged to allow the Criminal Petition.

4. Per contra, Mr. K.Sandeep, learned Assistant Public Prosecutor vehemently opposed the grant of anticipatory bail and submits that the allegations against the Petitioner are grave and serious in nature, involving offences under 'the BNS' as well as 'the SC/ST (POA) Act'. He submits that the FIR clearly discloses the role of the Petitioner, and the contention that the allegations are vague or omnibus is untenable. It is further submitted that the custodial interrogation is necessary to unearth the larger conspiracy and to secure material evidence, and that granting bail at this stage would hamper the investigation. He further submits that the Petitioner's social standing or employment as a Government Teacher cannot be a ground to dilute

theseriousness of the allegations. Hence, it is urged to dismiss the Criminal Petition.

5. Mr.Vivekananda Virupaksha, learned Legal Aid Counsel for Respondent No.2, argued on the same lines as the learned Assistant Public Prosecutor, supporting the allegations in the FIR and opposing the grant of pre-arrest bail to the Petitioner.

6. Heard the learned counsel for the Petitioner,the learned Assistant Public Prosecutor and thelearned Legal Aid counsel for Respondent No.2 Perused the record.

7. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for the Petitioner, the learned Assistant Public Prosecutor and the learned legal aid counsel for Respondent No.2. I have perused the entire record.

8. In the light of the case of the prosecution and the contentions of the learned Counsels for the Petitioner, the learned Assistant Public Prosecutor and the learned legal aid counsel for the Respondent No.2, now the point for consideration is:

"Whether the Petitioner/Accused No.1 is entitled for grant of pre-arrest bail?"

9. On perusal of the record, the Petitioner's mother is an ex-sarpanch and his brother is a leader of the opposition party. The Petitioner, aged about 46 years, is working as a Teacher in Z.P. High School and is arraigned as Accused No.1 in this case. There are no adverse antecedents reported against him. Accused Nos.1 and 2 belong to the Yadava community, whereas

the de-facto complainant and other witnesses belong to the Scheduled Caste community. The learned counsel for the Petitioner contends that since the Petitioner's mother has been opposing the illegal transportation of gravel, the opposite political leaders have used Respondent No.2 as a tool to foist a false case against the Petitioner. It is further submitted that there is no case or counter-case between the Petitioner and Respondent No.2. However, specific allegations have been levelled against the Petitioner that he hacked L.Ws.1 and 7, who suffered grievous injuries, and that L.Ws.3 to 5, 8, and 10 are cited as eye-witnesses.

10. The learned Counsel for the Petitioner has relied upon the judgment in**SiddharamSatlingappaMhetre v. State of Maharashtra**[3], wherein, at paragraphs Nos.53, 54, 58, 64, 112 and 115, it is held as under:

> *"53. The Framers of the Indian Constitution followed the American model in adopting and incorporating the fundamental rights for the people of India. The American Constitution provides that no person shall be deprived of his life, liberty, or property without due process of law. The due process clause not only protects the property but also life and liberty, similarly Article 21 of the Indian Constitution asserts the importance of life and liberty. The said article reads as under:*
>
> > *"21. Protection of life and personal liberty.—No person shall be deprived of his life or personal liberty except according to procedure established by law."*
> > *The right secured by Article 21 is available to every citizen or non-citizen, according to this article, two rights are secured:*
> > *1. Right to life.*
> > *2. Right to personal liberty.*
>
> *54. Life and personal liberty are the most prized possessions of an individual. The inner urge for freedom is a natural phenomenon of every human being. Respect for life, liberty and property is not merely a norm or a policy of the State but an essential requirement of any civilised society.*
>
> *58. In Maneka Gandhi v. Union of India [(1978) 1 SCC 248] this Court expanded the scope of the expression "personal liberty" as used in Article 21 of the Constitution of India. The Court rejected the argument that the expression "personal liberty" must be so interpreted as to avoid*

[3](2011) 1 SCC 694

overlapping between Article 21 and Article 19(1). It was observed: (SCC p. 280, para 5)

> *"5. … The expression 'personal liberty' in Article 21 is of the widest amplitude and it covers a variety of rights which go to constitute the personal liberty of man and some of them have been raised to the status of distinct fundamental rights and given additional protection under Article 19."*
>
> *So, the phrase "personal liberty" is very wide and includes all possible rights which go to constitute personal liberty, including those which are mentioned in Article 19.*

64. The object of Article 21 is to prevent encroachment upon personal liberty in any manner. Article 21 is repository of all human rights essential for a person or a citizen. A fruitful and meaningful life presupposes life full of dignity, honour, health and welfare. In the modern "Welfare Philosophy", it is for the State to ensure these essentials of life to all its citizens, and if possible to non-citizens. While invoking the provisions of Article 21, and by referring to the oftquoted statement of Joseph Addison, "Better to die ten thousand deaths than wound my honour", the Apex Court in Khedat Mazdoor Chetna Sangath v. State of M.P. [(1994) 6 SCC 260 : 1994 SCC (Cri) 1643] posed to itself a question "If dignity or honour vanishes what remains of life?" This is the significance of the Right to Life and Personal Liberty guaranteed under the Constitution of India in its Third Part.

90. A great ignominy, humiliation and disgrace is attached to the arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.

112. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail:

(i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

(ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(iii) The possibility of the applicant to flee from justice;

(iv) The possibility of the accused's likelihood to repeat similar or other offences;

(v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;

(vi) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(vii) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution because overimplication in the cases is a matter of common knowledge and concern;

(viii) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to the free, fair and full investigation and there should be

> *prevention of harassment, humiliation and unjustified detention of the accused;*
> *(ix) The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
> *(x) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.*
> ***Irrational and indiscriminate arrests are gross violation of human rights***
> *115. In Joginder Kumar case [(1994) 4 SCC 260 : 1994 SCC (Cri) 1172] a three-Judge Bench of this Court has referred to the 3rd Report of the National Police Commission, in which it is mentioned that the quality of arrests by the police in India mentioned the power of arrest as one of the chief sources of corruption in the police. The Report suggested that, by and large, nearly 60% of the arrests were either unnecessary or unjustified and that such unjustified police action accounted for 43.2% of the expenditure of the jails."*

11. A Division Bench of this Court in **Vidadala Rajani v. State of Andhra Pradesh**[4], while answering the reference, held that if a *primafacie* case is not made out, an application for grant of pre-arrest bail is maintainable under Section 438 of 'the Cr.P.C.,' before the High Court only against the provisions of 'the SC/ST (POA) Act'.

12. In view of the specific overt acts attributed against the Petitioner, this Court is not inclined to grant pre-arrest bail to the Petitioner, as it would amount to giving a shield, or protection or license to the Petitioner who had allegedly caused severe injuries to the victim, as per the judgments of the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Panjab**[5] and **Sushila Aggarwal v. State of (NCT of Delhi)**[6].

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[4] Crl.P.Nos.1461 of 2025 & batch vide order dated 19.09.2025
[5] (1980) 2 SCC 565
(2020) 5 SCC 1

13. In the result, the Criminal Petition is dismissed.

DR. Y. LAKSHMANA RAO, J

Date: 08.07.2026
PRA

Whether the order is :
Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 4786of 2026

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PRA