APHC010172322026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI [3368]
(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL No: 218/2026

Between:

1. DUGGASANI SHIVA REDDY, S/O NAGESWARA REDDY, AGED 23 YEARS, OCCUPATION. ROD BINDING WORK, R/O. VIKALANGULA COLONY NEAR CENTRAL JAIL, KADAPA, YSR KADAPA DISTRICT.

2. VALLEPU PRAVEEN KUMAR,, S/O VENKATA SUBBAIAH, AGED 38 YEARS, OCCUPATION. MASON WORK, R/O. SRIRAM NAGAR, CHINNA CHOWK, KADAPA TOWN, YSR KADAPA DISTRICT.

3. BATTALA VENKATESH,, S/O VENKATESH, AGED 2 YEARS, OCCUPATION. MASON WORK, R/O. D.NO.3/320, NEAR SUB JAIL, KADAPA TOWN, YSR KADAPA DISTRICT.

4. KATARI PRASANNA KUMAR,, S/O RAMUDU, AGED 33 YRS, OCC. DRIVER, R/O. SIONPURAM, KADAPA CITY, YSR KADAPA DISTRICT.

5. NADENDLA HANIF,, S/O CHINNA DASTAGIRI, AGED 35 YEARS, OCC. COAL BUSINESS, R/O. D.NO.1/1089, NEAR BALAVIKAS SCHOOL, YERRAMUKKAPALLI, KADAPA TOWN, YSR KADAPA DISTRICT.

...APPELLANT(S)

AND

1. THE STATE OF ANDHRA PRADESH

...RESPONDENT(S):

Counsel for the Appellant(S):

1. D PURNACHANDRA REDDY

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

The Court made the following:

THE HONOURABLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI

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J U D G M E N T:

Heard Sri D.Purnachandra Reddy, learned counsel for the appellants/A8 to A12 and Sri P.Somayaji, learned Additional Public Prosecutor representing the respondent/State.

2. The appeal is filed under Section 14-A of the SCs & STs (PoA) Act r/w Section 480 of B.N.S.S., 2023 challenging the order dated 18.03.2026 delivered in Crl.M.P.No.528 of 2026 on the file of IV Addl.District & Sessions Judge, Kadapa, relating to Crime No.15 of 2026 of Kadapa I Town U/G Police Station.

3. Learned counsel for the appellants/A8 to A12 would submit that FIR in the case was registered on 27.01.2026 for the offence under Sections 333, 324(4), 308(2), 351(2)(3) r/w.3(5) of B.N.S., 2023 and Sections 3(1)(r)(s) of SCs & STs (PoA) Amendment Act, 2015 in Crime No.15 of 2026 of Kadapa I Town U/G/ Police Station. The names of the present appellants/A8 to A12 were not found in the FIR. No overt acts were attributed against the appellants herein. The entire allegations were made against A-1 in the case. A-1 was granted anticipatory bail by Co-ordinate Bench of this Court. The request for remand to judicial custody in

respect of A-2 to A-7 was refused by the Magistrate, on the ground that no offence under the provisions of the SC/ST (PoA) Amendment Act, 2015 has been made out. Unfortunately, the present appellants were arrested on 05.02.2026 and since then, they are in judicial custody. The trial Court refused the bail on the ground that investigation is under progress and some more accused are yet to be apprehended. No other reason was assigned which warrant the detention of the appellants in judicial custody. Therefore, the order of the trial Court is not sustainable either on facts or in law.

4. Learned Additional Public Prosecutor would submit that notice was served to the victim as required under Section 15(A) of the SCs & STs (PoA) Amendment Act, 2015. None appeared for the victim. No objections filed for the victim, opposing the appeal.

5. The trial Court refused the application of the appellants, on the ground that if the appellants are released on bail, they may tamper the evidence, and investigation is not yet completed.

6. Undisputedly, the appellants are in judicial custody from 05.02.2026. FIR was registered on 27.01.2026. Investigation

has to be completed in 60 days from the date of registration of FIR as per provisions of the Special Act. The impugned order does not disclose what is the material available against the appellants/A-8 to A-12 to come to a conclusion that they will tamper the evidence or influence the witnesses, if they are released on bail. The trial Court simply observed that they may tamper the evidence or influence the witnesses.

7. Admittedly, the appellants/A-8 to A-12 are in judicial custody for the last 75 days. Investigation is not yet completed within the statutory period stipulated as per the provisions of the Special Act. The delay is not attributable to the appellants. The names of the appellants were not found place in the FIR. It appears their names are included in the case basing on the confession of the co-accused. The principal accused was already on anticipatory bail as mentioned above. The request for judicial custody of A-2 to A-7 was refused by the Magistrate.

8. In those circumstances, refusal of the application filed for bail by the present appellants/A-8 to A-12 by the Court below is not sustainable in law or on facts. Hence, the order of the trial Court is liable to be set aside.

9. In the result, the Criminal Appeal is allowed. The order dated 18.03.2026 passed in Crl.M.P.No.528 of 2026 on the file of the learned Special Judge for Trial of Cases under SCs & STs (PoA) Act-cum-IV Additional District & Sessions Judge, Kadapa, connected with Crime No.15 of 2026 of Kadapa I Town U/G. Police Station, is set aside. The appellants/A8 to A-12 shall be enlarged on bail, subject to the following conditions.

i) The appellants/A-8 to A-12 shall be enlarged on bail, on executing a personal bond for Rs.20,000/- (Rupees Twenty Thousand only) each, with two (02) sureties for a like sum each, to the satisfaction of the learned Special Judge for Trial of Cases under SCs & STs (PoA) Act-cum-IV Additional District & Sessions Judge, Kadapa.
ii) The appellants/A-8 & A-12 shall not leave the country without permission of the learned Special Court.
iii) The appellants/A-8 and A-12 shall not intimidate, annoy or contact the victim or his family members in any manner.
iv) The appellants/A-8 to A-12 shall join the investigation as and when requested by the Investigation Officer, after issuing proper notice in accordance with law.

v) If the appellants/A-8 to A-12 violate any of the above conditions, the prosecution is at liberty to file an application before the concerned Special Court for cancellation of this order. On filing of such application, the concerned Special Court shall dispose of the same in accordance with law.

10. Accordingly, the Criminal Appeal is allowed.

As a sequel, interlocutory applications, if any, pending shall stand closed.

JUSTICE B.V.L.N. CHAKRAVARTHI

Dated: 17.04.2026

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THE HONOURABLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI

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Date: 17.04.2026

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