APHC010193962026

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

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL NO: 252/2026

Between:

1. N GOWRI PRASAD REDDY, S/O N. CHANDRA REDDY,AGED ABOUT 21 YEARS, OCC B.TECH 3 YEAR STUDENTR/O D.NO.8/47, DUGGAYAPALLI VILLAGE, VALLUR MANDAL,YSR KADAPA DISTRICT.

...APPELLANT

AND

1. THE STATE OF ANDHRA PRADESH, REP.,BY ITS PUBLIC PROSECUTOR,HIGH COURT, AMARAVATHI.

2. PUTTHA RAMA SUBBAMMA, W/O VENKATAIAH,AGED ABOUT 56 YEARS, OCC COOLIE,R/O ARUNDATHIWADA, PEDDAPUTTA VILLAGE, VALLUR MANDAL,YSR KADAPA DISTRICT, ANDHRA PRADESH.

...RESPONDENT(S):

Appeal under Section 372/374(2)/378(4) of Cr.P.C praying that the High Court may be pleased to Pleased to set aside26. the Order, dated 11.03.2026, passed in Crl.M.P. No.470/2026 in Cr.No.207 of 2025 on the file of the Court of the SC/ST Court -cum-IV Additional District Judge, Kadapa, YSR Kadapa District and enlarge the Appellant on Bail in Cr.No.207 of 2025 on the file of the Vallur Police Station, YSR Kadapa District, on such terms and conditions as this Hon'ble Court deems fit and proper in the circumstances of the case.

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense with filing the certified copy of Order dated passed in Crl.M.P.No.470/2026 in Cr.No.207 of 2025 on the file of the Court of the SC/ST Court -cum- IV Additional District Judge, Kadapa, YSR Kadapa District, and the FIR in the above crime, pending disposal of the above Criminal Petition and pass

Counsel for the Appellant:

1. V R REDDY KOVVURI

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 V.R.Reddy Kovvuri, learned counsel for the appellant/accused and Sri C.Panini Somayaji, learned Additional Public Prosecutor representing the State.

2. Learned Additional Public Prosecutor would submit that notice was issued to the defacto-complainant as per Section 15(A)(3) of the SCs, STs (PoA) Act, 1989 and the same was served on 17.04.2026 to the victim. No one appeared for the defacto-complainant. No objections were filed for the defacto-complainant opposing the appeal.

3. The appellant preferred the appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, challenging the order dated 11.03.2026 delivered in Crl.M.P.No.470 of 2026 on the file of the Special Sessions Judge for Trial of Offences under SC/ST (POA) Cases-cum-IV Additional District & Sessions Court at Kadapa.

4. Learned counsel for the appellant would argue that the FIR was registered on 05.11.2025. The appellant was arrested on 02.02.2026 for the offence under Section 108 BNS, Section 3(1)(w)(ii) and Section 3(2)(va) of SCs, STs (PoA) Amendment Act, 2015. The accused is in judicial custody for the last seventy eight (78) days. The investigation

has been completed. There is no material on record against the accused to say that there is every likelihood of the accused tamper the evidence, threatening the witnesses or will not attend the trial Court during trial. In those circumstances, there is no impediment to release the accused on bail, pending trial. But the learned trial Court under the impugned order did not consider the above facts and circumstances in proper perspective and refused the application on the ground that he may tamper the evidence, though there is no material on record supporting the said observation. Hence, the appeal is preferred by the appellant to set aside the order of the trial Court and to release the appellant on bail, pending trial.

5. Learned Additional Public Prosecutor opposed the appeal. However, he would submit that the appellant was arrested on 02.02.2026 and since then, he is in judicial custody. He would submit that FIR was registered on 05.11.2025. As per oral instructions, material part of investigation has been completed and report from FSL report is awaited to file the report before the Special Court.

6. In the light of above rival contentions, the point that would arise for consideration in this Criminal Appeal is as under:

> "***Whether the order of the trial Court is sustainable either on facts or in law***"?

7. **POINT:**

Admittedly, FIR in the case was registered on 05.11.2025 for the offence under Section 108 BNS, Section 3(1)(w)(ii) and Section

3(2)(va) of SCs, STs (PoA) Amendment Act, 2015. The appellant was arrested on 02.02.2026, since then he is in judicial custody for the last 75 to 78 days.

8. The above contentions would disclose that investigation in the case is completed, except receiving the report of FSL to file report before the Special Court. There is no tangible material on record to show that the appellant/accused threatened or made attempt to threaten any of the witnesses in the case, or tampered the evidence or made attempt to tamper the evidence, or interfere with the investigation, and therefore, the investigation is delayed. There is also no material to say that the appellant will not attend the trial proceedings. In those circumstances, this Court is of the considered opinion that the order of the trial Court is not sustainable, and liable to be set aside.

9. In the result, the Criminal Appeal is allowed. The impugned the order of the learned trial Court dated 11.03.2026 passed in Crl.M.P.No.470 of 2026 on the file of the Special Sessions Judge for Trial of Offences under SC/ST (POA) Cases-cum-IV Additional District & Sessions Judge at Kadapa, is set aside. The appellant/accused shall be enlarged on bail subject to the following conditions.

i) The appellant/accused 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 Sessions Judge for Trial of Offences under SC/ST (POA) Cases-cum-IV Additional District & Sessions Judge at Kadapa.

ii) The appellant/accused shall not leave the country without permission of the Special Court.

iii) The appellant/accused shall not intimidate or annoy/contact the family members of the deceased in any manner.

iv) The appellant/accused available to the trial during trial proceedings, as and when directed by the Special Court.

v) If the appellant/accused violates 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 thereto, interlocutory applications, if any, pending shall stand closed.

JUSTICE B.V.L.N. CHAKRAVARTHI.

21.04.2026
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Note:
Issue C.C. by today

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

CRIMINAL APPEAL No:252 of 2026

Note: Issue C.C. by today

B/o.
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Date: 21.04.2026

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