Date of reserved for judgment :
Date of pronouncement : 29.06.2026
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APHC010304412026

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

MONDAY, THE 29th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL NO: 376/2026

Between:

1. PULA KIRAN KUMAR ALIAS CHINTU ALIAS PALUKURI KIRAN,, S/O. VENKATARAMANA RAMAIAH JINKODU,AGED 19 YEARS, OCCSTUDENT,RYO. NEAR RAMALAYAM, PEDDA KOTHAPALII VILLAGE,VONTIMITTA MANDAL, YSR KADAPA DISTRICT.

...APELLANT

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH VONTIMITTA POLICE STATION, Y.S.R.KADAPA DISTRICT,REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT FOR THE STATE OF ANDHRA PRADESH, AMARAVATHI.

2. EERI VENKATESU, S/O LATE E. SREENIVASULU,AGED 48 YEARS. OCCUPATION AUTO DRIVER,R/O HARIJANAWADA, CHITVEL VILLAGE AND MANDAL,TIRUPATI DISTRICT - 516104.

...RESPONDENT(S):

Counsel for the Appellant(S):

1. K PRIDHVI RAJU

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

The Court made the following:

APHC010312832026

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

MONDAY, THE 29th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL NO: 388/2026

Between:

1. KATTA MALLIKARJUNA, S/O LATE SUBBARAYUDU,AGED 40 YEARS DRIVER, R/O. O.C.COLONY,CHINNA KOTHAPALLI VILLAGE, VONTIMITA MANDAL,Y.S.R. KADAPA DISTRICT. A1.

2. KATTA BALAKRISHNA, S/O K.VENKATASUBBAIAH,AGED 43 YEARS DRIVER, R/O. RAMALAYAM STREET,KOTHAPALLI VILLAGE, VONTIMITTA MANDAL,Y.S.R. KADAPA DISTRICT. A6.

3. PALUKURU SUNEEL, S/O VENKATARAAMNA,AGED 20 YEARS, R/O.D.NO.6/148,PEDDA KOTHAPALLI VILLAGE, VONTIMITTA MANDAL,Y.S.R. KADAPA DISTRICT. A7.

...APELLANT(S)

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH VONTIMITTA POLICE STATION, Y.S.R.KADAPA DISTRICT,REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT FOR THE STATE OF ANDHRA PRADESH, AMARAVATHI.

2. EERI VENKATESU, S/O LATE E. SREENIVASULU,AGED 48 YEARS. OCCUPATION AUTO DRIVER,R/O HARIJANAWADA, CHITVEL VILLAGE AND MANDAL,TIRUPATI DISTRICT - 516104.

...RESPONDENT(S):

Counsel for the Appellant(S):

1. K PRIDHVI RAJU

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

The Court made the following:

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

CRIMINAL APPEAL Nos: 376 OF 2026 & 388 OF 2026

C O M M O N J U D G M E N T:

Heard Sri K.Pridhvi Raju, learned counsel for the appellants/A-2, A-1, A-6 & A-7 and Ms.P.Akila Naidu, learned Assistant Public Prosecutor representing the respondent/State in both the Criminal Appeals.

2. Both the Criminal Appeals are filed under Section 14-A of the SCs & STs (PoA) Act r/w Section 528 of B.N.S.S. 2023, challenging the order dated 09.06.2026 delivered in Crl.M.P.No.963 of 2026 and Crl.M.P.No.958/2026 on the file of Spl.Court for Trial of Cases under SC & ST (Prevention of Atrocities) Act, 1989, Kadapa, relating to Crime No.24 of 2026 of Vontimitta Police Station, for the offence U/s.109 r/w.3(5) of B.N.S. 2023, and Sections 3(1)(r)(s) & 3(2)(v) of SCs & STs (PoA) Act, 1989.

3. Learned counsel for the appellants would submit that the appellants filed applications before the trial Court U/s.482 of BNSS, 2023 to enlarge them on bail. The trial Court refused their request and dismissed the applications. Hence, both the criminal appeals are came to be filed, challenging the order of the trial

Court dated 09.06.2026 passed in Crl.M.P.No.963 of 2026 and Crl.M.P.No.958/2026. Therefore, both the criminal appeals are disposed of by common judgment.

4. Learned Assistant Public Prosecutor would submit that notice was served to the defacto-complainant as required under Section 15(A) of the SCs & STs (PoA) Act, 1989. None appeared for the defacto-complainant. No objections filed for the defacto-complainant, opposing both the appeals.

5. Learned Counsel for the Appellants would submit that the appellants/A-2, A-1, A-6 and A-7 were arrested on 25.04.2026 and since then, they are in judicial custody. The appellants were lodged in Central Prison, Kadapa since 25.04.2026. Investigation in the case has been completed. The appellant/A-2 is a student. There is no material against the appellants to show that they will tamper the evidence or threaten the witnesses, but the trial Court erroneously dismissed the applications.

6. Learned Assistant Public Prosecutor opposed both the criminal appeals. She would submit that entire investigation has been completed, except receiving caste certificate of A-5 and his arrest.

7. Undisputedly, the appellants are in judicial custody from 25.04.2026. FIR was registered on 19.04.2026. Investigation has to be completed in 60 days from the date of registration of FIR as per provisions of the Special Act. The impugned orders does not disclose what is the material available against the appellants/A-2, A-1, A-6 & A-7 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 and create law and order problem.

8. Admittedly, the appellants/A-2, A-1, A-6 and A-7 are in judicial custody for the last 65 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.

9. In those circumstances, refusal of the applications filed for bail by the appellants/A-2, A-1, A-6 & A-7 by the Court below is not sustainable either in law or on facts. Hence, the orders dated 09.06.2026 passed in Crl.M.P.No.963 of 2026 and Crl.M.P.No.958 of 2026 are liable to be set aside.

10. In the result, both the Criminal Appeals are allowed. The orders dated 09.06.2026 passed in Crl.M.P.No.963 of 2026 and Crl.M.P.No.958 of 2026 on the file of the learned Special Judge for Trial of Cases under SCs & STs (PoA) Act, Kadapa, connected with Crime No.24 of 2026 of Vontimitta Police Station, are set aside. The appellants/A-2, A-1, A-6 & A-7 shall be enlarged on bail, subject to the following conditions.

i) The appellants/A-2, A-1, A-6 & A-7 shall be enlarged on bail, on executing a personal bond for Rs.25,000/- (Rupees Twenty Five 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, Kadapa.

ii) On such release, the appellants/A-2, A-1, A-6 & A-7 shall appear before the Station House Officer, Vontimitta Police Station, on 4th Saturday of every month, for a period of three (03) months, or till filing of charge sheet, whichever is earlier.

iii) The appellants/A-2, A-1, A-6 & A-7 shall not leave the country without permission of the learned Special Court.

iv) The appellants/A-2, A-1, A-6 & A-7 shall not intimidate, annoy or contact the defacto-complainant or his family members in any manner.

v) The appellants/ A-2, A-1, A-6 & A-7 shall join the investigation as and when requested by the Investigation Officer, after issuing proper notice in accordance with law.

vi) If the appellants/ A-2, A-1, A-6 & A-7 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.

11. Accordingly, both the Criminal Appeals are allowed.

As a sequel, interlocutory applications, if any, pending in both the Criminal Appeals shall stand closed.

JUSTICE B.V.L.N. CHAKRAVARTHI

Dated: 29.06.2026

PSK

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

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CRIMINAL APPEAL Nos: 376 OF 2026 & 388 of 2026

Date: 29.06.2026

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PSK

Whether the common judgment is:

Speaking Yes/No / Recorded Yes/No

Reportable Yes/No / Non-Reportable Yes/No