APHC010352162026

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

[3368]

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL NO: 427/2026

Between:

1. YERUVA VENKATESWARA REDDY, S/O RAMALINGESWARA REDDY,AGED ABOUT 40 YEARS, OCC AGRICULTURE,R/O H.NO. 2-69, NANDIPALLE POST,SEETHARAMAPURAM VILLAGE, MAHANANDI MANDAL,NANDYAL DISTRICT.

...APPELLANT

AND

1. THE STATE OF ANDHRA PRADESH, THROUGH STATION HOUSE OFFICER,NANDYAL TALUKA POLICE STATION, NANDYAL DISTRICT., REP BY ITS PUBLICPROSECUTOR, HIGH COURT OF ANDHRA PRADESH.

2. CHINTHAPUTHA BALA RAJU, S/O. BALA SWAMY,AGED ABOUT 41 YEARS, R/O. SETHAARAMPURAM VILLAGE,MAHANANDHI MANDAL, NANDHYAL, NANDHYALA DISTRICT.

...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 allow the present Criminal Appeal, set aside the order passed in CrI.M.P.No.10 of 2026 by the Hon'ble Special Judge for Trial of Cases under the SC & ST (Prevention of Atrocities) Act, 1989-cum-VI Additional District and Sessions Judge, Kurnool District, and consequently enlarge the appellants on bail in connection with FIR No. 87 of 2026, dated 16.05.2026, on the file of Nandyal Taluka Police Station, Nandyal District, on such terms and conditions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, and pass

Counsel for the Appellant:

1. PAPUDIPPU SASHIDAR REDDY

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

The Court made the following:

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

CRIMINAL APPEAL No: 427 of 2026

JUDGMENT:

Heard Sri Papudippu Sashidar Reddy, learned counsel for the appellant/sole accused and Ms.P.Akhila Naidu, learned Assistant Public Prosecutor representing the State.

2. Learned Assistant 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 (in short 'SCs & STs (PoA) Act') and the same was served on 14.07.2026 to the defacto-complainant. 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 30.06.2026 delivered in Crl.M.P.No.10 of 2026 on the file of the learned Special Judge for Trial of Cases under SCs & STs (PoA) Act-cum-VI Additional Sessions Court at Kurnool.

4. Learned counsel for the appellant would submit that the FIR was registered on 16.05.2026 for the offence under Sections 118(1), 351(2) BNS, 3(1)(r), 3(1)(s) & 3(2)(va) of SC, ST (PoA) Act. The appellant was arrested on 17.05.2026. So, he is in the prison for the last 63 days. As per the provisions of the SCs & STs (PoA) Act, investigation

has to be completed in 60 days from the date of FIR. In this case, so far police did not file charge sheet, as RFSL report is awaited. So even otherwise, the accused is entitled to default bail, keeping the merits aside.

5. He would further submit that the trial Court did not consider the facts and circumstances of the case in proper perspective. There is no evidence on record to show that the appellant will tamper the evidence or threaten the witnesses or interfere with the investigation. 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.

6. Learned Assistant Public Prosecutor would not dispute the dates regarding registration of FIR, arrest of the accused. She would also not dispute regarding non-filing of charge sheet so far. The Special Act would say that charge sheet (final report) has to be filed within 60 days from the date of registration of FIR.

7. Admittedly, in the case on hand, so far no charge sheet has been filed as per the provisions of the SCs & STs (PoA) Act.

8. 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*"?

9. POINT:

Admittedly, FIR in the case was registered on 16.05.2026 for the offence under Sections 118(1), 351(2) BNS, 3(1)(r), 3(1)(s) & 3(2)(va)

of SC, ST (PoA) Act. The appellant was arrested on 17.05.2026. Since then, he is in judicial custody for the last 63 days.

10. Considering the above facts and circumstances, and as the record does not disclose any tangible material to say that the appellant would interfere with the investigation, or threaten the witnesses in any manner, this Court is of the considered opinion that it is a fit case to enlarge the appellant/accused on bail, imposing some conditions, setting aside the order of the trial Court.

11. In the result, the Criminal Appeal is allowed. The impugned the order of the learned trial Court 30.06.2026 delivered in Crl.M.P.No.10 of 2026 on the file of the learned Special Judge for Trial of Cases under SCs & STs (PoA) Act-cum-VI Additional Sessions Court at Kurnool, 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.25,000/- (Rupees Twenty Five Thousand only) 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-VI Additional Sessions Court at Kurnool.

ii) The appellant/accused shall not intimidate or annoy/contact the defacto-complainant or his family members in any manner.

iii) The appellant/accused shall join investigation as and when requested by the investigation agency in accordance with law.

iv) The appellant/accused shall not leave the country without permission of 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, after hearing both sides.

12. Accordingly, the Criminal Appeal is allowed.

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

JUSTICE B.V.L.N. CHAKRAVARTHI.

21.07.2026

Note:
Issue C.C. by today

B/o.
Pmk

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

CRIMINAL APPEAL No:427 of 2026

Note: Issue C.C. by today

B/o.
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Date: 21.07.2026

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