APHC010360372026

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

THURSDAY, THE 23rd DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL NO: 440/2026

Between:

1. SRI DAMARLA VENKATA BHARGAV, S/O D. SUBBAIAH,AGED ABOUT 32 YEARS, R/O D. NO. 12-9-12,SHIVALAYAM TEMPLE, KOTHAPET, GUNTUR DISTRICT – 522001 (A-4).

...APPELLANT/A-4

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR,HIGH COURT OF ANDHRA PRADESH AT AMARAVATI,GUNTUR DISTRICT, ANDHRA PRADESH - 522239.

2. SRI GUMMADI ANANDH PRAKASH BABU, W/O KOTESWARA RAO, AGED ABOUT 53 YEARS,R/O D. N0.3-28-1/A, BETHASTA HOUSE,BRUNDAVAN GARDEN, GUNTUR DISTRICT - 522006.

...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 Criminal Appeal, by set aside the order dated 11.06.2026 passed in CrI.M.P. No. 815 of 2026 on the file of IV Additional Sessions Judge cum Spl Court for SC and ST Act Cases, Guntur and enlarge the Appellant/Accused No.4 on bail in Crime No.325 of 2023 of Pedakakani Police Station, U/s 120 (B), 420, 465, 467, 468, 471,506 R/w 34 of I.P.C, Sec. 3 (2) (VA) S.C/S.T (POA) Amendment Act 2015, on such terms and conditions as this Hon'ble Court deems fit and proper in the interests of justice.

Counsel for the Appellant:

1. K SRINIVAS

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: 440 of 2026

JUDGMENT:

Heard Sri K.Srinivas, learned counsel for the appellant/A4 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 29.06.2026 to the defacto-complainant. No one appeared for the defacto-complainant. No objections were filed for the defacto-complainant opposing the appeal.

3. Learned counsel for the appellant would submit that the appeal is preferred under Section 14 A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, challenging the order dated 11.06.2026 rendered by the learned Special Judge for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-IV Additional Sessions Judge, Guntur in Crl.M.P.No.815 of 2026, connected with Crime No.325 of 2023 of Pedakakani Police Station, Guntur District.

4. Learned counsel for the appellant would submit that the trial Court refused to enlarge the appellant on bail for the offence

punishable under Sections 120-B, 420, 465, 467, 468, 471 r/w 34 IPC and Section 3(2)(VA) of SCs & STs (PoA) Amendment Act, 2015. He would submit that the allegations or the overt acts attributed against the present appellant are that he executed a power of attorney in favour of A5. He would further submit that the appellant was arrested on 08.05.2026 and since then, he is in judicial custody for the last 76 days. The case was registered in the year 2023, but no charge sheet has been filed so far, though, the Act stipulated that investigation be completed within sixty (60) days.

5. He would further submit that the trial Court did not consider the facts in proper perspective and refused the application on the ground that investigation is still in progress, and some more witnesses are to be examined. The learned trial Court did not observe the material if any placed by the prosecution, which would show that if the appellant is enlarged on bail, he would tamper the evidence in any manner. Considering the facts and circumstance of the case, the order of trial Court may be set aside, and the appellant may be released on bail.

6. Learned Assistant Public Prosecutor would submit that the appellant executed a registered sale deed in favour of A5 and ultimately, it paved the way for execution of sale deed by A4 in favour of the defacto-complainant, though, they have not having any right over the disputed property, thereby causing loss to the defacto-complainant.

7. She would further submit that the offence under Section 467 IPC is punishable with life imprisonment and a serious offence. Therefore, the trial Court rightly dismissed the application for bail. Hence, there are no merits in the appeal and prays to dismiss the appeal.

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:

The admitted facts are that FIR in the case was registered on 31.08.2023, nearly three (03) years ago. The appellant was arrested on 08.05.2026. Police did not conclude investigation so far and filed report before the trial Court. It appears that the alleged sale deed executed by A4 in favour of A5 was already seized by the police and forwarded to RFSL for their opinion regarding handwriting. The material on record is not making out any tangible evidence to say or to conclude that the appellant/A4 made attempt to tamper the evidence in any manner to interdict the investigation. So also, there is no tangible material on record to say that the appellant would interfere with the investigation, or tamper the evidence in any manner, if he is released on bail.

10. The appellant/A4 has been in judicial custody for the last 76 days. His custody cannot be continued merely on the ground that

other accused are at large. In those circumstances, this Court is of the considered opinion that the order of the trial Court is not sustainable either on facts or in law and warrants interference of this Court.

11. In the light of foregoing discussion, the order of the trial Court is to be set aside and the appellant/A4 shall be enlarged on bail, subject to some terms and conditions.

12. In the result, the Criminal Appeal is allowed. The impugned the order of the learned trial Court 11.06.2026 rendered in Crl.M.P.No.815 of 2026 on the file of the learned Special Judge for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-IV Additional Sessions Judge, Guntur, is set aside. The appellant/A4 shall be enlarged on bail, subject to the following conditions.

i) The appellant/A4 shall be enlarged on bail, on executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two (02) sureties for a like sum each, to the satisfaction of the Special Judge for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-cum-IV Additional Sessions Judge, Guntur.

ii) The appellant/A4 shall not intimidate or annoy/contact the defacto-complainant or his family members in any manner.

iii) On such release, the appellant/A4 shall appear before the investigation officer on every 2nd Saturday and 4th Saturday of

the month between 10:00 AM to 5:00 PM for a period of two (02) months or till filing of charge sheet whichever is earlier.

iv) The appellant/A4 shall not contact, intimidate the witnesses in the case in any manner including the defacto-complainant.

v) The appellant/A4 shall not leave the country without permission of the Special Court.

vi) If the appellant/A4 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 is at liberty to dispose of the same in accordance with law, after hearing both sides.

13. Accordingly, the Criminal Appeal is allowed.

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

JUSTICE B.V.L.N. CHAKRAVARTHI.

23.07.2026

Note:
Issue C.C. by today

B/o.
Pmk

5

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

CRIMINAL APPEAL No:440 of 2026

Note: Issue C.C. by today

B/o.
Pmk

Date: 23.07.2026

W
Pmk