APHC010458642026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

FRIDAY, THE 16th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NOs: 7649 and 7251 OF 2026

CRIMINAL PETITION NO: 7649 OF 2026

Between:

1. THOTA PRASANTH KUMAR ALIAS PRASANTH, S/O. LATE PRABHAKAR REDDY, OCC- EMPLOYEE,AGED ABOUT 33 YEARS,R/O. D.NO. 16/4A/5-57, DHANALAKSHMIPURAM,V.B.R NAGAR LAYOUT, NELLORE CITY, SPSR NELLORE DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PUBLIC PROSECUTORHIGH COURT BUILDINGS,HIGH COURT OF A.P. AT AMARAVATI.THROUGH S.H.O., BALAJI NAGAR UPS, SPSR NELLORE DISTRICT.
2. GANGINENI CHINNA SRIHARI, S/O CHENCHAIAH, AGE 83 YEARS,R/O 4TH STREET, RAMJI NAGAR,NELLORE CITY SRI POTTI SRIRAMULU NELLORE DISTRICT

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. SAI GANGADHAR CHAMARTY

Counsel for the Respondent/complainant(S):

1. AISHWARYA NAGULA
2. PUBLIC PROSECUTOR

CRIMINAL PETITION NO: 7151/2026

Between:

1. KALLURI LAKSHMI REDDY, KALLURI LAKSHMI REDDY,D/O. NAGI REDDY, AGED ABOUT 46 YEARS,R/O. DOOR NO.27-7-714, SARASWATHI NAGAR,NELLORE CITY, SPSR NELLORE DISTRICT

2. THALLURI ADITHYA ALIAS THALLURI SAI ADITHYA, S/O. RAMANAIAH, AGED ABOUT 32 YEARS,R/O. PLOT N0.89/LIG/2, 26-3-1549/A,KALLURIPALLI, NELLORE RURAL, SPSR NELLORE DISTRICT.

...PETITIONER/ACCUSED(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT AT NELAPADUAMARAVATI, THROUGH THE STATION HOUSE OFFICER,BALAJINAGAR UPS., SPSR NELLORE DISTRICT.

2. GANGINENI CHINNA SRIHARI, S/O. CHENCHAIAH, AGE 83 YEARS, R/O. 4TH STREET, RAMJI NAGAR, NELLORE CITY, SRI POTTI SRIRAMULU NELLORE DISTRICT. RESPONDENT NO.2 IS IMPLEADED AS PER THE COURT ORDER DATED 24.08.2026 IN CRL.P.NO.7151 OF 2026.

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused(S):

1. MALIREDDY GOWTHAM

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

2. KURAVATI LENIN BABU

The Court made the following:
COMMON ORDER:

These two Criminal Petitions are heard together and are being disposed of by this common order, as the Petitioners are different in these petitions, though the crimes registered against them are stated to be the same.

2. The Criminal Petition No.7649 of 2026 has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioner/Accused No.3 for granting of pre-arrest bail in connection with Crime No.80 of 2026 on the file of Balajinagar Urban Police Station, Sri Potti Sriramulu Nellore District, registered for the alleged offences punishable under Sections 308(6), 318(4) and 336(3) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

3. The Criminal Petition No.7151 of 2026 has been filed under Section 482 of 'the BNSS' by the Petitioners/Accused Nos.1 and 2 for granting of pre-arrest bail in connection with Crime No.80 of 2026 on the file of Balajinagar Urban Police Station, Sri Potti Sriramulu Nellore District, registered for the alleged offences punishable under Sections 308(6), 318(4) and 336(3) of 'the BNS').

4. The case of the prosecution, in brief, is that Accused Nos.1 and 2, with the assistance of Accused No.3, an employee of Punjab National Bank, allegedly cheated the 83-year-old de facto complainant of Rs.1,55,00,000/- by falsely claiming ownership of properties worth Rs.150 to Rs.200 crores and producing fake property documents and income tax challans. They allegedly promised to repay the amount after selling the properties. It is further alleged

that Accused Nos.1 and 2 attempted to extort money from the de facto complainant by threatening to implicate him in a false murder case. Upon realising that he had been cheated, the de facto complainant lodged a complaint with the Police.

5. Sri Malireddy Gowtham and Sri Sai Gangadhar Chamarty, learned Counsel for the Petitioners, submit that the Petitioners are innocent and have been falsely implicated in the case. It is submitted that the dispute primarily arises out of monetary transactions between the de facto complainant and Accused Nos.1 and 2, and that a civil suit in O.S.No.92 of 2026 is pending in this regard. It is further submitted that no specific overt act is attributed to the Petitioner/Accused No.3, who is a bank employee, except the allegation that he facilitated the transactions. It is also submitted that the investigation is completed and only the filing of the charge sheet remains. The Petitioners undertake to cooperate with the investigation and abide by any conditions imposed by this Court. They further seek pre-arrest bail on terms similar to those granted to Accused Nos.1 and 2. Hence, the learned Counsel pray that the Criminal Petitions be allowed.

6. *Per contra*, Mr. A. Sai Rohith, learned Assistant Public Prosecutor, submits that the allegations levelled against the Petitioners are serious in nature and that their names are specifically mentioned in the complaint. It is further submitted that the allegations disclose a prima facie case against the Petitioners and that the investigation is not yet fully completed, as the charge sheet is yet to be filed. Hence, the learned Assistant Public Prosecutor

opposes the grant of pre-arrest bail to the Petitioners and prays for dismissal of the Criminal Petitions.

7. Sri K. Lenin Babu, learned Legal Aid Counsel for Respondent No.2 in Crl.P.No.7151 of 2026, submits that the Petitioners, in collusion with the other accused, have played an active role in cheating the de facto complainant and causing substantial monetary loss. It is further submitted that the allegations in the complaint disclose their involvement in the alleged offences and require thorough investigation. Hence, the learned Counsel opposes the grant of pre-arrest bail to the Petitioners.

8. Ms. Aishwarya Nagula, learned Legal Aid Counsel for Respondent No.2 in Crl.P.No.7649 of 2026, submits that the Petitioners are involved in the alleged fraudulent transactions and have caused substantial financial loss to the de facto complainant. It is further submitted that the allegations disclose their involvement in the commission of the alleged offences and that their custodial interrogation may be necessary for a proper investigation. Hence, the learned Counsel opposes the grant of pre-arrest bail to the Petitioners.

9. Heard the learned counsel for the Petitioners, the learned Assistant Public Prosecutor and the learned legal aid counsels for the Respondent No.2.

10. Thoughtful consideration is bestowed on the arguments advanced by the learned Counsel for both sides. I have perused the entire record.

11. Now the point for consideration is:

> *"Whether the Petitioners/Accused Nos.1 to 3 are entitled for grant of pre-arrest bail?"*

12. The learned Legal Aid Counsel for Respondent No.2, Ms. Aishwarya Nagula, relied on the judgment of the Hon'ble Apex Court in **Vasantha v. State of Tamil Nadu**[1], wherein, at paragraphs 11 and 12, it is held as follows:

> *"11. Further, we may note that this was the third anticipatory bail application filed by the accused in three months. The accused filed anticipatory bail petitions, one after the other, in July, August and September, 2025. As stated earlier, the learned Judge did not note the fact that another Bench had, on 04.08.2025, dismissed the bail petition moved by the accused and, therefore, did not even go into the issue as to whether there was any changed circumstance warranting a different view being taken. Filing of anticipatory bail petitions in quick succession in this manner, viz., three petitions in three months, reduces that legal process, which is intended to pre-emptively secure the personal liberty of an individual in deserving cases, to a mere gamble and is nothing short of an abuse of process. We may also note that, having secured the relief of anticipatory bail, the accused lost no time in filing a quash petition in October, 2025, and secured stay of all further proceedings. In effect, the accused brought the entire case to a grinding halt.*
> *12. Given the near relationship between the parties and the fact that the accused are alleged to have taken undue advantage of a family elder, a septuagenarian, and also acted to the detriment of the other family members, we are of the opinion that this was not a fit case for the High Court to have granted anticipatory bail to the accused by treating it as a mere real estate business in which there was a dispute as to the land price. The case went beyond that and deserved a far more serious consideration than that given by the learned Judge while extending relief to the accused*."

13. Thus, in **Vasantha** *supra* the Hon'ble Apex Court held that filing successive anticipatory bail applications within a short period, without any change in circumstances, amounts to an abuse of the process of law. It further observed that allegations involving the exploitation of an elderly family member and causing detriment to other family members cannot be treated as a mere civil or real estate dispute and warrant serious consideration while deciding an application for anticipatory bail.

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[1] 2026 SCC OnLine SC 887

14. Another judgment relied on by the learned Legal Aid Counsel for Respondent No.2 in **Saurabh Agrawal v. State of Uttar Pradesh**[2], wherein the Hon'ble Supreme Court, at paragraph No.18, held as follows:

> *"18. Equally, the observation of the High Court that the complainant has sought refund of the amount in the FIR, thereby indicating a civil dispute, cannot be accepted as a ground to dilute the criminal allegations. It is well settled that the existence of a civil remedy does not preclude criminal proceedings where the ingredients of a criminal offence are prima facie made out. The mere fact that the complainant seeks restitution of the amount paid does not efface the allegations of cheating or fraud."*

15. Ergo, in **Saurabh Agrawal** *supra* the Hon'ble Supreme Court held that the existence of a civil dispute or the availability of a civil remedy cannot, by itself, dilute the criminal allegations where the ingredients of a criminal offence are prima facie made out. The mere fact that the complainant seeks repayment or restitution of the amount allegedly paid does not negate the allegations of cheating or fraud.

16. On a perusal of the material available on record, it appears that Accused No.3 is an employee of Punjab National Bank. The allegation against him is that he received an amount of Rs.2,50,000/- from the de-facto complainant. It is further alleged that Accused Nos.1 and 2, after gaining the confidence of the de-facto complainant, who is stated to be an elderly person, cheated him by making false representations regarding their properties and financial transactions. The learned Legal Aid Counsel for Respondent No.2, Mr. K. Lenin Babu, has also pointed out that Accused No.1 had issued a legal notice bearing her counter-signature and produced certain documents, whereas the cheque allegedly issued by her bears her thumb impression.

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[2] 2026 SCC OnLine SC 948

These circumstances, along with the specific allegations levelled against the Petitioners, require due consideration. Having regard to the nature of the allegations and the role attributed to the Petitioners, the necessity of custodial interrogation cannot be ruled out at this stage.

17. The grant of pre-arrest bail to the Petitioners is neither a license for commission of serious offence nor a shield or protection for having committed grave offences, as per the decisions of the Hon'ble Apex Court in **Gurbaksh Singh Sibbia v. State of Punjab**[3] and **Sushila Aggarwal v. State (NCT of Delhi)** [4] **.** The remedy of pre-arrest bail, being an extraordinary and discretionary relief, cannot be granted to the Petitioners against whom specific overt acts are attributed. Therefore, the request for grant of pre-arrest bail to the Petitioners/Accused Nos.1 to 3, at this juncture, does not appear to be convincing or reasonable. There are no merits in the petitions. Hence, the Criminal Petitions are devoid of merit and is liable to be dismissed.

18. In the result, the Criminal Petitions are dismissed.

As a sequel, miscellaneous petitions, if any pending shall stand closed.

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DR. Y. LAKSHMANA RAO, J

Date: 16.10.2026
KMS

[3] (1980) 2 SCC 565
[4] (2020) 5 SCC 1

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NOs: 7649 and 7151 of 2026

16.10.2026

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