APHC010524712026

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

THURSDAY, THE 15th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 8817/2026

Between:

1. SAI VIGNESH ALIAS SAI VIGNESH YADAVALLI, S/O KISHORE BABU AGE 19 YEARS, OCCUPATION 2 YEARLL.B. STUDENT R/O. H.NO.7-54, SUDDAGUNTALA BAZAR, PIDUGURALLA GUNTUR DISTRICT, ANDHRA PRADESH - 522413

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, By Public Prosecutor, High Court of Andhra Pradesh Amaravati 522237

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. SUDARSHAN MALUGARI

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

This Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the Petitioner/Accused No.9, seeking for grant of pre-arrest bail in connection with Crime No.205 of 2026 of Piduguralla Police Station, Palnadu District, registered for the alleged offences punishable under Sections 126(2), 109(1), 61(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for brevity, 'the BNS').

2. Heard the learned counsel for the Petitioner and the learned Assistant Public Prosecutor. Perused the record.

3. The Petitioner without approaching the learned Sessions Judge at the first instance seeking pre-arrest bail and has directly approached this Court, which procedure is contrary to the law laid down by the Hon'ble Apex Court in ***Mohammed Rasal.C v. State of Kerala***[1] and ***Jagdeo Prasad v. State of Bihar and others***[2]***.***

4. The Hon'ble Apex Court in **Mohammed Rasal.C v. State of Kerala**[3] wherein at paragraph Nos.7, 8 and 9 it was held as follows:-

> *"7. The Sessions Judge exercises powers under Section 438 Cr.P.C in relation to all cases registered with the police stations in the particular District. This area-wise distribution of work would make it much more convenient and facilitate expeditious disposal, if the application for pre-arrest bail is first filed before the Sessions Court which would have a direct and first-hand assistance of the concerned Public Prosecutor appointed for that particular District. The Sessions Court would also have an immediate*

[1] Special Leave to Appeal (Crl) Nos. 6588 of 2025, dated 08.09.2025.
[2] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.
[3] Special Leave to Appeal (Crl) Nos. 6588 of 2025, dated 08.09.2025.

access to the Case Diary thereby facilitating a better appreciation of facts of the case.

8. We further feel that if the practice of entertaining the applications for pre-arrest bail directly in the High Court is encouraged, and the parties concerned are not relegated to first approach the Sessions Court concerned, the High Court would be flooded with a spate of pre-arrest bail applications thereby creating a chaotic situation. We say so, because if the parties are required to approach the Sessions Court concerned for seeking remedy of pre-arrest bail, there is a strong probability that significant number of applications would be allowed at that level only thereby acting as a filtration process before the process reaches the High Court.

9. It is trite that in most of the States, there is a consistent practice requiring the litigant concerned to first approach the Sessions Court for seeking relief of pre-arrest bail and only in the event of denial of such relief, the litigant would be granted access to approach the High Court for seeking such relief. This is, of course, subject to just exceptions and the High Court, for reasons to be recorded, may entertain an application for pre-arrest bail directly in special/ extra-ordinary circumstances."

5. The Hon'ble Apex Court in **Jagdeo Prasad v. State of Bihar and others**[4], at para No. 6 as under:

"6. However, before parting, we do wish to express our sincere concern with the haste at which the High Court has dealt with this matter. While the scheme of Criminal Procedure Code, 1973 (now Bharatiya Nagarik Suraksha Sanhita, 2023) provides concurrent jurisdiction to the High Court and Sessions Court for entertaining applications for anticipatory bail, this Court has time and again observed that High Court should always encourage exhausting an alternative/concurrent remedy before directly interfering itself. This approach balances the interests of all the stakeholders, first by giving the aggrieved party a round of challenge before the High Court. Second, this approach provides the High Court an opportunity to assess the judicial perspective so applied by the Sessions Court, in concurrent jurisdiction, instead of independently applying its mind from the first go. Further, the High Court fails to record any reason for directly granting anticipatory bail without impleading the appellant-complainant as a party."

6. Albeit this Court has got concurrent jurisdiction under Section 482 of 'the BNSS.,' such discretionary relief would only be granted, when the Petitioner establishes a special case or extra ordinary circumstance. As seen from the averments, the Petitioners neither established a special case nor extra-

[4] Crl. Appeal @ SLP (Crl) No. 17805 of 2024 etc.

ordinary circumstance. However, in view of the orders passed in **Mohammed Rasal.C** and **Jagdeo Prasad** *supra*, this Court is not inclined to exercise its discretionary power to grant pre-arrest bail to the Petitioner, as he has not approached the learned Sessions Judge concerned at first instance.

7. As seen from the record, the Petitioner is aged 19 years and is at an impressionable age. He is pursuing his second year of LL.B. and is studying in Hyderabad.

8. Considering the facts and circumstances of the case, this Criminal Petition is disposed of. However, liberty is granted to the Petitioner to approach the learned Sessions Judge by filing an application seeking grant of pre-arrest bail at the first instance within a period of two (02) weeks from the date of receipt of a copy of this order. Until such time, the Investigating Officer is directed not to take any coercive steps against the Petitioner. However, the Petitioner shall cooperate with the Investigating Officer in the investigation.

9. In the result, the Criminal Petition is disposed of.

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

DR. Y. LAKSHMANA RAO, J

Date: 15.10.2026
PRA

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PRA