

(2025) 04 AP CK 0357

In the Andhra Pradesh High Court, Amaravati

Case No : Criminal Petition No: 3549 Of 2025

John Elangovan

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision : 17-04-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 316(4), 318(4)
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 35(3)

Citation : (2025) 04 AP CK 0357

Hon'ble Judges : T. Mallikarjuna Rao, J

Bench : Single Bench

Advocate : Srinivasa Rao Narra, Sivaprasad Reddy Venati

Final Decision : Disposed Of

Judgement

T Mallikarjuna Rao, J

1. This Criminal Petition has been filed by the petitioners/accused, seeking anticipatory bail, in connection with Crime No.182 of 2024 of Tada Police Station, Tirupati District.
2. A case has been registered against the petitioner herein for the offence punishable under Sections 316(4) and 318(4) of BNS.
3. Learned counsel for the petitioner, after arguing for some time, has confined his argument to the extent of protecting the petitioner herein from the coercive action by the police on the ground that the offences alleged are punishable with imprisonment of less than seven years and prays this Court to direct the police to follow the procedure as contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
4. On the other hand, learned Assistant Public Prosecutor did not oppose the same and concurred with the submission made by the learned counsel for the petitioner for the reason that the offences alleged are punishable with

imprisonment of less than seven years. He further submits that the alleged offences are involvement of huge amounts and certain conditions may be imposed.

5. Heard. Perused the material on record.

6. Though the offences alleged are punishable with imprisonment less than seven years, considering the involvement of huge amounts in the above said crime, this Court is inclined to dispose of the criminal petition with the following conditions:

(i) This Court directs the police to follow the procedure as contemplated under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, scrupulously, as per the guidelines enunciated in *Arnesh Kumar vs. State of Bihar* and another (2014) 8 SCC 273.

(ii) The petitioner shall make himself available for investigation as and when required and that he shall not cause any threat, inducement or promise to the prosecution witnesses. The petitioner shall appear before the Station House Office concerned, as and when required.

7. With the above directions, the Criminal Petition is disposed of.