

(2025) 09 AP CK 0414

In the Andhra Pradesh High Court, Amaravati

Case No : Criminal Petition No: 8651 Of 2025

Mohan Naidu Alias Mohan Babu And Others

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision : 01-09-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Bharatiya Nyaya Sanhita, 2023 — Section 115(2), 118(1), 126(2)
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(1)(r), 3(1)(s), 3(2)(va)

Citation : (2025) 09 AP CK 0414

Hon'ble Judges : Dr Y. Lakshmana Rao, J

Bench : Single Bench

Advocate : D Purna Chandra Reddy

Final Decision : Dismissed

Judgement

Dr Y. Lakshmana Rao, J

1. The Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity ?the BNSS?) by the petitioners/ Accused Nos.1 and 2 for granting of pre-arrest bail in connection with Crime No.99of 2025 of Chittoor Taluk Police Station,Chittoor District, registered for the alleged offences punishable under Sections 115(2), 118(1), 126(2) of Bharatiya Nyaya Sanhita (for short 'the BNS') and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SC & ST (POA) ACT').

2. The prosecution's case, in a nutshell, is that on 22.06.2025 at 7:00 P.M., in front of the cattle shed of A1, near L.B. Puram Railway Gate, L.B. Puram Village, Chittoor Mandal, A1 wrongfully restrained the complainant and abused him using caste-based slurs, saying, "yera Madiga Naa Kodaka akkade niluvu raa, che-sindantha chesi potha umdavu," and beat him with electric pipe on his back, back side of the head, below the both knees, right foot, nose and caused dumb &

bleeding injuries to him. Again A1 kicked with his legs on the complainant's back side and pushed him on the fencing and caused bleeding injury on his right side of the waist and also beat him with hands and kicked on his tactical. When the complainant questioned A1's actions, A2 beat the complainant on his waist and cheeks, saying, "Mohan Naidu ki eduru tirigi matladuthava." Upon witnessing this, the complainant's father Chinnabba, and his son-in-law Suresh, intervened and questioned A1's behavior. In response, A1 beat Suresh on his right shoulder with an electrical pipe and beat Chinnabba on his back and right shoulder with his hands. Later, Suresh and Chinnabba rescued the complainant from the accused.

3. Mr.D.Purna Chandra Reddy, the learned counsel for the petitioners, submits that the petitioners have not committed any offence; they were falsely implicated in this case; they are the sole breadwinners of their family; they are ready to abide any conditions to be imposed by this Court; and urged to grant pre-arrest bail to the petitioners/Accused Nos.1 and 2.

4. Per contra, Ms. P. Akila Naidu, the learned Assistant Public Prosecutor, opposed in granting of bail stating that investigation is not yet completed; if the petitioners are granted pre-arrest bail, they will interfere in the investigation, and it is urged to dismiss the bail petition.

5. Perused the record.

6. As seen from the averments of the F.I.R. lodged by the defacto complainant, there are specific overt acts attributed against the petitioners/A1 and A2. Hence, this Court does not deem it fit to grant pre-arrest bail to the petitioners. Grant of Anticipatory bail is not a license for the commission of an offence, nor it is a shield for a person who has allegedly committed an offence as per the decisions of the Hon'ble Apex Court in Gurbaksh Singh Sibbia v. State of Panjab (1980) 2 SCC 565 and Sushila Aggarwal v. State of (NCT of Delhi) (2020) 5 SCC 1.

7. Considering the facts and circumstances of the case, the nature and gravity of the allegations levelled against the petitioners, there are no merits for grant of pre-arrest bail to the petitioners. Hence, the petition is liable to be dismissed.

8. In the result, the Criminal Petition is dismissed. However, as per the request of the learned counsel for the petitioners, liberty is granted to the petitioners to surrender before the learned Jurisdictional Court concerned within one (01) week from the date of receipt of copy of this order, and move an appropriate application before the learned Jurisdictional Court concerned. The learned Jurisdictional Court concerned is directed to dispose of the said application in accordance with law, on its own merits by giving due and sufficient opportunity to the victim and the learned Public Prosecutor concerned, and pass appropriate orders within a reasonable time, as far as possible preferably in two (02) days.