

(2025) 10 AP CK 0023

In the Andhra Pradesh High Court

Case No : Criminal Petition No: 10748 Of 2025

Shaik Sulthan Basha & Ors.

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision : 31-10-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 119(1), 480, 483Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 115(2), 118(1), 324(2), 333, 351(2), 380(5)Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 8(c), 20(b)(ii)(B)Indian Penal Code, 1860 — Section 34, 120B, 143, 149, 188, 193, 269, 270, 323, 324, 392, 420, 427, 448, 452, 506, 509

Citation : (2025) 10 AP CK 0023

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

Bench : Single Bench

Advocate : Raja Reddy Koneti

Final Decision : Dismissed

Judgement

Dr Y. Lakshmana Rao, J

1. Criminal Petition has been filed under Section 480 & 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 the BNSS by the Petitioners/Accused Nos.2 to 5 for granting bail in connection with Crime No.228 of 2025 of Nawabpet Police Station, SPSR Nellore District, registered for the alleged offence punishable under Section 380(5), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 the BNS, 25(1)(A) of the Arms Act, 1959 the Act on the allegation of extortion.

2. Heard the learned Counsel for the Petitioners and the learned Assistant Public Prosecutor.

3. Mr.Raja Reddy Koneti, learned counsel for the petitioners submitted that the petitioners had not possessed any arms. Therefore the provisions of the Act., would not be applicable to them. The petitioners are private employees. They

have got fixed abode. They are permanent residents of Nellore city. If they are enlarged on bail, they will not escape from the clutches of the law. Major portion of the investigation is completed. Therefore, the petitioners may not interfere with the investigation process. The petitioners were falsely implicated in this case. The petitioners are sole bread winners of their families. Learned counsel for the petitioners submits that Accused Nos.6 to 8, who are female, were already granted bail by the learned Trial Court. Hence, it is urged to enlarge the Petitioners on bail.

4. Per contra, Mr. M.Lakshmi Narayana, learned Public Prosecutor, vehemently opposed to grant bail to the petitioners on the ground that investigation is at nascent stage; the petitioners are habitual offenders. There are number of criminal cases pending against the petitioners. They have become unruly elements of the Society. If they are enlarged on bail at this juncture, they would definitely hinder further investigation and threaten the witnesses also. So far of the investigation conducted reveals that the role of the petitioners have been clearly established and urged to dismiss the criminal petition.

5. On perusal of the record, the civil dispute in between two brothers i.e., de-facto complainant by name S.V.Sasi Kumar and Venkata Ravi was brought before one local councilor. Later, the petitioners and Accused No.1 entered into the civil dispute of the de-facto complainant and his brother under the guise of resolving it legally. The accused compelled the de-facto complainant to sign on bond papers and threatened him. Accused No.1 on point of Gun threatened the de-facto complainant. After some days, Accused No.1 with the present petitioners came to the house of de-facto complainant threatened him with dire consequences and demanded Rs.2 lakhs. Later they extorted Rs.20,000/- from the de-facto complainant. On perusal of the record, it is submitted that petitioner No.1/Accused No.2 and Petitioner No.2/Accused No.3 were the police constables but later they were removed from service because of their illegal activities.

6. So far only 9 witnesses are examined. The petitioners were arrested on 30.08.2025. They have been in judicial custody from the past 62 days. Learned Public Prosecutor submits that the pistol which was used by Accused No.1 is yet to be recovered. Undoubtedly, mere pendency of adverse similar antecedents is not the basis for refusal of request to grant bail. The nature and gravity of allegation are required to be looked into in the backdrop of the previous history of the petitioners. Petitioner No.1/Accused No.2 has got three cases i.e., Cr.No.81/2025 u/s 8(c), 20(b)(ii)(B) of the NDPS Act., of Bitragunta PS, Cr.No.230/2023 u/s.143, 149, 324, 427, 448, 506 IPC of Kovur PS, Cr.No.47/2019 u/s.120B, 193, 34, 392, 420 of the I.P.C., of Gudur PS, Petitioner No.2/Accused No.3 has got three cases i.e., Cr.No.81/2025 u/s 8(c), 20(b)(ii)(B) of the NDPS Act., of Bitragunta PS, Cr.No.230/2023 u/s.143, 149, 324, 427, 448, 506 of the I.P.C., of Kovur PS, Cr.No.47/2019 u/s.120B, 193, 34, 392, 420 of the I.P.C., of Gudur PS, Petitioner No.3/Accused No.4 has got 8 cases i.e., Cr.No.81/2025 u/s 8(c), 20(b)(ii)(B) of the NDPS Act., of Bitragunta PS,

Cr.No.317/2024 u/s 115(2),118(1) r/w 3(5) of the BNS., of Nawabpet PS, Cr.No.139/2024 u/s 324 r/w 34 of the I.P.C., of Nawabpet PS, Cr.No.192/2023 u/s 323, 324, 506 r/w 34 of the I.P.C., of Nawabpet PS, Cr.No.53/2022 u/s 324 r/w 34 of the I.P.C., of Nawabpet PS, Cr.No.433/2021 u/s 324, 427, 452, 506 r/w 34 of the I.P.C., of Nawabpet PS, Cr.No.122/2021 u/s 324 r/w 34 of the I.P.C., of Nawabpet PS, Cr.No.359/2020 u/s 143, 188, 269, 270 of the I.P.C., 3-EDA of Nawabpet PS, Petitioner No.3/Accused No.4 has got 6 cases i.e., Cr.No.81/2025 u/s 8(c), 20(b)(ii)(B) of the NDPS Act., of Bitragunta PS, Cr.No.317/2024 u/s 115(2), 118(1) r/w 3(5) of the BNS., of Nawabpet PS, Cr.No.14/2024 u/s 324 r/w 34 of the I.P.C., of Nawabpet PS, Cr.No.166/2024 u/s 118(1), 324(2), 333, 351(2) of the BNS., 119(1) of the BNSS., of Kovur PS, Cr.No.230/2023 u/s 143, 149, 324, 427, 448, 506 of the I.P.C., of Kovur PS, Cr.No.40/2020 u/s 323, 427, 448, 506, 509 r/w 34 of the I.P.C., of Nawabpet PS. The investigation is still at nascent stage. Some more material witnesses are yet to be examined. The weapon used for commission of the alleged offence is yet to be recovered from the possession of the Accused No.1.

7. Considering the facts and circumstances of the case, gravity and nature of the allegations levelled against the petitioners, this Court is not inclined to enlarge the present Petitioners on bail at this stage. Therefore, the Criminal Petition is liable to be dismissed.

8. In the result, the Criminal Petition is dismissed.