

(2026) 01 AP CK 1342

In the Andhra Pradesh High Court

Case No : Criminal Appeal No: 876 Of 2025

Shaikli Razak & Ors

APPELLANT

Vs

State Of A P & Ors

RESPONDENT

Date of Decision : 22-01-2026

Acts Referred:

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(s), 3(2)(va)14A(2), 15A
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Bharatiya Nyaya Sanhita, 2023 — Section 118(1), 118(2), 118(5)

Citation : (2026) 01 AP CK 1342

Hon'ble Judges : B V L N Chakravarthi, J

Bench : Single Bench

Advocate : Budige Bhoja Raam, Regulagadda Venkatesh

Final Decision : Allowed

Judgement

B V L N Chakravarthi, J

1. Heard Sri Budige Bhoja Raam, learned counsel for the appellants/A1 to A3 and Sri P.Somayaji, learned Additional Public Prosecutor representing the State/R1. No one appeared for the complainant/victim/R2, though he was intimated under Section 15A of the SCs & STs (PoA) Act.

2. The appeal is filed under Section 14A (2) of the SCs & STs (PoA) Act, 1989 challenging the order dated 16.12.2025 passed in CrI.M.P.No.1075 of 2025 in Crime No.228 of 2025 of Nandyal Taluk Urban Police Station.

3. The appellants/A1 to A3 filed an application before the Special Court under Section 483 of BNSS Act, 2023 to enlarge the appellants on bail. The learned Special Court vide the order dated 16.12.2025 dismissed the application. Hence the appeal came to be filed.

4. The learned counsel for the appellants would submit that the FIR was registered on 22.09.2025 for the offence under Sections 118 (1), 118 (2) BNS r/

w (5) BNS and Section 3 (1) (r)(s) and section 3 (2) (va) of SC/ST (PoA) Amendment Act, 2015 of Nandyal Taluk Urban Police Station. He would submit that the allegations made against the appellants are all false. The appellants were arrested on 02.12.2025 and remanded to judicial custody. Therefore, the appellants are in the prison for the last 50 days.

5. He would further submit that investigation in this case was completed and charge sheet was laid on 12.12.2025. Therefore, there is no chance of appellants interfering with the investigation or tampering with the evidence. The learned trial Court did not consider all these facts and refused to release the appellants on bail, on the sole ground that if they are released on bail, they may threaten the victim. The observation of the trial court is not supported by any material. Further, the appellants earlier presented a report against the defacto-complainant vide FIR No.227 of 2025 on 22.09.2025. Therefore, as a counter blast, the present case was filed by the victim against the appellants. Considering all the circumstances, the order of the trial Court may be set aside, and the appellants may be enlarged on bail.

6. Learned Additional Public Prosecutor Sri P.Somayaji would submit that notice was served to the victim as per Section 15(a) of the Special Act one week ago. The learned Additional Public Prosecutor opposed the application.

7. The predicate offence in the case is punishable under Section 118 (1) of BNS, 2023. The victim suffered injury on the leg and out of danger as of now. There is no dispute about the fact that police completed investigation and laid charge sheet before the learned Special Court. Hence, the question of appellants interfering with the investigation or tampering the evidence would not arise. The only ground on which, the learned Special Court refused the application is that if the appellants are released on bail, they may threaten the victim. It was based only on the objections filed by the complainant before the Special Court. The said apprehension of the victim is not supported by any material to show that the appellants made any attempt to cause annoyance, or alarm in the mind of the victim, at any time, subsequent to the registration of FIR in the case.

8. In the light of the above facts and circumstances, this Court of the considered opinion that refusal of the application by the learned Special Court, on the ground that if the appellants are released on bail, they may threaten the victim, is not sustainable on facts of the case, and liable to be set-aside.

9. Considering the above facts and circumstances, the Criminal Appeal be allowed. The order of the learned Special Court referred above is liable to be set aside.

10. In the result, the Criminal Appeal is allowed. The order dated 16.12.2025 passed in CrI.M.P.No.1075 of 2025 on the file of learned Special Judge for Trial of Offences Under SCs and STs (PoA) Act-cum-VI Additional District & Sessions Judge, Kurnool, connected with Crime No.228 of 2025 of Nandyal Tluk Urban Police Station, is set aside. The appellant/A1 to A3 shall be enlarged on bail

subject to the following conditions.

- i) The appellants/A1 to A3 shall be enlarged on bail, on executing a personal bond for Rs.20,000/- (Rupees Twenty Thousand only) each, with two (02) sureties for a like sum each, to the satisfaction of the learned Special Judge for Trial of Offences Under SCs and STs (PoA) Act-cum-VI Additional District & Sessions Judge, Kurnool.
- ii) The appellants/A1 to A3 shall not leave the country without permission of the learned Special Court.
- iii) The appellants/A1 to A3 shall not intimidate or annoy the victim or his family members in any manner.
- iv) If the appellants/A1 to A3 violate any of the above conditions, the prosecution is at liberty to file an application before the concerned Special Court and if any such application is filed by the prosecution, the learned Special Court is at liberty to pass necessary orders in accordance with law.

11. Accordingly, the Criminal Appeal is allowed.

As a sequel, interlocutory applications, if any, pending shall stand closed.