

(2025) 04 AP CK 0354

In the Andhra Pradesh High Court, Amaravati

Case No : Criminal Petition No: 3243 Of 2025

Yajjala Srinivas

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision : 10-04-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482
Bharatiya Nyaya Sanhita, 2023 — Section 111(1), 323

Citation : (2025) 04 AP CK 0354

Hon'ble Judges : T. Mallikarjuna Rao, J

Bench : Single Bench

Advocate : K Jyothi Prasad

Final Decision : Allowed

Judgement

T. Mallikarjuna Rao, J

1. This Criminal Petition, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'), has been filed by the Petitioner/A.4, seeking anticipatory bail, in connection with the Crime No.511 of 2024 of Arilova Police Station, Visakhapatnam District.

2. A case has been registered against the Petitioner/A.4 and other accused for the offences punishable under Section 323, 111(1) of Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

3. The prosecution's case, in brief, is that the complainant, who serves as the Jailor at the Central Prison in Visakhapatnam, reported that on 31.12.2024, at 14:00 hours, while conducting a surprise search at the Penna Block, two mobile phones namely a Lava Keypad mobile and a Realme smartphone were discovered, along with a power bank and two data cables. During the subsequent inquiry, it was revealed that the mobile phones belonged to convicted prisoner No. 240, Kola Venkata Hemanth Kumar, and remand prisoner No. 400, Vulavala Rajesh. However, both prisoners denied ownership of the said mobile phones. As

a result, the complainant informed their superior officers and submitted a report regarding the incident.

4. Learned counsel for the petitioner/A.4 contends that the accusation against the petitioner is that he provided amount to A.7 for the purpose of giving mobile to convicts in the central prison. He further submits that to make such accusation against the petitioner, the prosecution has placed reliance on the confessional statements said to be made by A.6 and A.7.

5. Learned Assistant Public Prosecutor representing Respondent-State opposed the grant of anticipatory bail to the petitioner/A.4.

6. Heard both sides. Perused the record.

7. A perusal of the material available on record shows that the prosecution does not indicate any relation between the petitioner/A.4 and the said convicts and no material has been collected till date showing the involvement of the petitioner herein in the commission of the offence.

8. Learned counsel for the petitioner further submits that the petitioner has no reason to pay such huge amount to provide mobile phone to the convicts who has no relation with him. When ascertained from the learned Assistant Public Prosecutor, she submits that except the present crime no criminal antecedents have been reported against the petitioner herein.

9. The learned counsel for the petitioner submits that the petitioner has permanent residence of Visakhapatnam and there is no possibility of his fleeing away from the jurisdiction of the Court. In the facts and circumstances of the case, this Court is of the view that granting anticipatory bail to the petitioner/A.4 will not affect the investigation in any way.

10. Upon careful review of the available material, as there is no risk of interference with the ongoing investigation by the Petitioner, this Court finds that anticipatory bail can be granted to the Petitioner/A.4 under certain conditions:

(i) The petitioner/A.4 is directed to surrender before the Station House Officer concerned within two (2) weeks from today.

(ii) On such surrender, the petitioner shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the arresting officials.

(iii) 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.

11. With the above directions, the Criminal Petition is allowed.

Miscellaneous applications pending, if any, in this Criminal Petition, shall stand closed.