

(2025) 11 AP CK 0044

In the Andhra Pradesh High Court

Case No : Criminal Petition No: 11279 Of 2025

Yellappa Mala Alias Byagaru Yellappa And Others

APPELLANT

Vs

State Of Andhra Pradesh

RESPONDENT

Date of Decision : 18-11-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 482

Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 115(2), 118(1)

Citation : (2025) 11 AP CK 0044

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

Bench : Single Bench

Advocate : B S Venkata Ramesh

Final Decision : Dismissed

Judgement

Dr Y. Lakshmana Rao, J

1. Criminal Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 the BNSS by the Petitioners/Accused Nos.1 to 4 for granting of pre-arrest bail in connection with Crime No.74 of 2025 of Holagunda Police Station, Kurnool, registered for the alleged offences punishable under Sections 115(2) and 118(1) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 the BNS.

2. Sri B.S. Venkata Ramesh, learned counsel for the Petitioners submits that the Petitioners have been falsely implicated in the instant proceedings and asserts that no offence, as alleged in the complaint, have been committed by them. It is contended that the Petitioners are the sole breadwinner of their family, and any coercive action, including arrest, would result in grave and irreparable hardship to their dependent family members. It is further submitted that the Petitioners are a law-abiding citizen with a permanent place of residence and are willing to comply with any condition that this Court may deem fit and proper for the grant of anticipatory bail. The Petitioners undertake to cooperate fully with the ongoing

investigation and assures the Court of their continued presence as and when required.

3. Learned Counsel for the Petitioners also submits that there is no recovery attributable to the Petitioners and that custodial interrogation is neither necessary nor justified in the facts and circumstances of the present case. The Petitioners have already extended full cooperation to the Investigating Officer and there exists no reasonable apprehension of their absconding or tampering with the prosecution evidence and it is prayed that this Court may be pleased to grant pre-arrest bail to the Petitioners/ Accused Nos.1 to 4 in the interest of justice and equity.

4. Per contra, Ms.P. Akhila Naidu, learned Assistant Public Prosecutor has strenuously opposed the prayer for anticipatory bail, asserting that the investigation is at a nascent and sensitive stage, and that custodial interrogation of the Petitioners are indispensable for unearthing material facts germane to the offence. It is submitted that enlargement of the Petitioners on pre-arrest bail at this juncture would seriously impede the investigative process, as there exists a grave apprehension that the Petitioners may not extend requisite cooperation and may attempt to evade the due process of law.

5. The prosecution further contends that the Petitioners, if granted the relief sought, may exert undue influence upon material witnesses or tamper with incriminating evidence, thereby vitiating the integrity of the investigation and obstructing the course of justice. Given the gravity of the allegations and the potential prejudice to a fair and impartial inquiry, it is prayed that the instant application be dismissed in the interest of justice and to safeguard the sanctity of the investigative process.

6. As seen from the record, the allegation against the petitioners/Accused Nos.1 to 4 is that there are specific overt acts attributed to them, as a result of which the victim sustained grievous injuries. It is well settled in law, as enunciated by the Hon'ble Supreme Court in *Gurbaksh Singh Sibbia v. State of Punjab* (1980) 2 SCC 565 and *Sushila Aggarwal v. State (NCT of Delhi)* (2020) 5 SCC 1, that the grant of anticipatory bail does not amount to a charter for commission of serious offences, nor does it serve as a cloak of immunity for individuals against whom specific and prima facie cognizable allegations have been levelled. The relief under Section 482 of 'the BNSS' is intended to safeguard personal liberty, but not to thwart the legitimate course of investigation or to protect those who are prima facie complicit in grave offences involving overt acts.

7. In view of the foregoing facts and circumstances, coupled with the nature and gravity of the specific allegations attributed to the Petitioners, this Court finds no justifiable ground to exercise discretion under Section 482 of 'the BNSS'. The allegations prima facie disclose a serious offence warranting thorough investigation, and the Petitioners, in the considered opinion of this Court, does not merit the relief of pre-arrest bail. Accordingly, the prayer for pre-arrest bail is

rejected.

8. Hence, this criminal petition is dismissed.