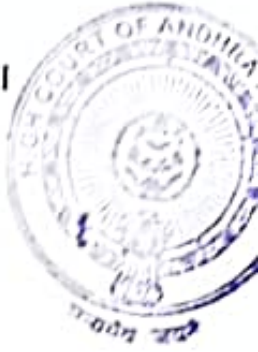


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTIETH DAY OF MARCH,
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO



CRIMINAL PETITION NO: 1609 OF 2025

Between:

1. Yagna Teja Reddy @ Vajja Yagna Teja Reddy, S/o. V.Thirumaleshwara Reddy, Aged 31 years, Occ. R/O.H.N0.57/A, Pearl Village, Botanical Garden Road, Near Chirec Public School, Kondapur, Ranga Reddy District.
2. Padma @ Viza Padma, V.Thirumaleshwar Reddy, Aged 55 years, Occ. R/O.H.N0.57/A, Pearl Village, Botanical Garden Road, Near Chirec Public School, Kondapur, Ranga Reddy District
3. Thirumaleswara Reddy @ V.Thirumaleswara Reddy, S/o. V.Venkata Reddy, Aged 59 years, Occ. R/O.H.N0.57/A, Pearl Village, Botanical Garden Road, Near Chirec Public School, Kondapur, Ranga Reddy District
4. Venkateswara Reddy @ Vaija Venkateswara Reddy, S/o. Venkata Reddy, Aged 48 years, Occ. R/o. 1, Madavapalle, Pamurapalle, Prakasam, Andhra Pradesh.

...Petitioners/Accused 1 to 4

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court Buildings, Nelapadu, Amaravathi, Guntur, Andhra Pradesh.

...Respondent/Complainant

Petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the petitioners/accused nos. 1 to 4 on bail, in the event of their arrest in Crime No.05 of 2025 of P.S. Koumigundla, Nandyal District dated 16.01.2025.

Counsel for the Petitioners : Sri Nageshwar Rao Pujari

Counsel for the Respondent : Assistant Public Prosecutor.

The Court made the following

ORDER:

APHC010073892025



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3369]

THURSDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY-FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 1609/2025

Between:

Yagna Teja Reddy @ Vajja Yagna Teja Reddy ...PETITIONER/ACCUSED(S)
and Others

AND

The State Of Andhra Pradesh

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused(S):

1.NAGESHWAR RAO PUJARI

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

The Court made the following ORDER:

1) This Criminal Petition, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') is filed on behalf of the Petitioners/Accused Nos.1 to 4 seeking anticipatory bail in Crime No.05 of 2025 of Kolimigundla Police Station, Nandyal District, registered for the offences punishable under Sections 85, 89, 351(2) r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2) The prosecution alleges that this case involves the harassment of a married woman, accompanied by a demand for an additional dowry, followed by the unlawful termination of her pregnancy without her consent. The incident

occurred before 16.01.2025 at 18:00 hours and was reported to the police on the same day. Petitioners 1 to 4, also accused of the crime, are alleged to have physically and mentally harassed the complainant (wife of Accused No.1) and demanded an additional dowry of Rs.20,00,000/- from her parents. Furthermore, they are accused of causing the complainant's miscarriage by mixing abortion pills in her ORS drink and threatening her with dire consequences.

3) Learned counsel for the Petitioners submits that the Petitioners are innocent and have been falsely implicated, with the delay in lodging the complaint.

4) The learned counsel for the Petitioners contends that the investigating agency mechanically registered the FIR, without any reasonable suspicion. The complaint filed by the defacto complainant pertains to a family dispute, which has been framed as a criminal offence. There is nothing in the complaint and FIR which would suggest that the Petitioners have committed the offences. The Petitioners are law-abiding citizens who have been falsely implicated, seemingly to harass them. The Petitioners are willing to cooperate with the investigation and are ready to furnish any sureties deemed necessary by this Hon'ble Court. Consequently, they pray for the grant of anticipatory bail.

5) On the other hand, the learned Assistant Public Prosecutor, appearing for the Respondent/State, opposes the grant of anticipatory bail on the ground that the investigation is still pending.

6) I have heard both sides. Learned counsel on both sides reiterated their submissions on par with the contentions presented in the Petition as well as in the Report. Consequently, the contentions presented by the learned counsel need not be reproduced.

7) In **Mahipal V. Rajesh¹**, the Hon'ble Apex Court held that it is necessary for the Court while considering a bail application, to assess whether, based on the evidentiary record, *prima facie* or reasonable grounds exist to believe that the accused had committed the crime.

8) A Court doesn't need to give elaborate reasons while granting bail, mainly when the case is at the initial stage, and the allegations of the offences by the accused would not have been crystallised as such.

9) In **Rakesh Baban Borhade Vs. State of Maharashtra and another²**, the Hon'ble Apex Court observed that:

"Anticipatory bail not to be granted as a matter of rule but should be granted only when a case is made out and the Court is convinced that the accused would not misuse his liberty".

10) According to the report lodged by the victim/defacto complainant, the marriage between the 1st Petitioner and the Defacto Complainant took place on 19.05.2019. The report suggests that they lived together happily until 28.05.2022. The accusation against the Petitioners is that, on 28.05.2022, they took the Defacto Complainant to Dr. Haritha Lakshmi, a specialist in treating women. Dr. Lakshmi allegedly informed the Complainant that medicine related to abortion had been mixed with ORS. The contents of the report imply that the Defacto Complainant became aware of this alleged mixing of abortion-related medicine in ORS on 28.05.2022. However, the Defacto Complainant did not lodge a report against her husband (1st Petitioner) until 16.01.2025, suggesting a delay of over two and a half years before filing the complaint with the police.

11) On the other hand, it is brought to the notice of the Court that the 1st Petitioner has filed an original petition for divorce in F.C.O.P.No.283 of 2024 before the VI Additional District and Sessions Judge-cum-Family Court at Kukatpally, (for short, 'the Family Court') against the Defacto Complainant. On

¹ (2020) 2 SCC 118

² 2015 SAR (Criminal) 156



19.03.2025, the learned counsel for the Petitioners filed a memo, enclosing the case status of F.C.O.P.No.283 of 2024 on the file of the Family Court. This status indicates that on 16.12.2024, Sri L. Chandra Mohan Reddy, advocate, filed a vakalat for the Respondent (Defacto Complainant herein), and the matter has been posted for the appearance of the parties on 17.02.2025. It is evident that after the filing of the divorce petition by the 1st Petitioner, the Defacto Complainant lodged this report on 16.01.2025. The Petitioners' counsel submits that the allegations regarding abortion were likely made based on the premise that the other alleged offences are punishable for less than seven years, and as such, the Petitioners may be entitled to the benefit of *Arnesh Kumar V. State of Bihar*³, and the notice under Section 35(3) of the BNSS.

12) Considering the significant delay in reporting the alleged act of mixing medicines to cause an abortion on 28.05.2022, the possibility that these allegations were included in the report at a later stage cannot be ruled out. It appears that the Defacto Complainant only lodged the report against the 1st Petitioner, her husband, and his family members (Petitioners 2 to 4) after the filing of the divorce petition. This suggests that the allegations may have been raised after the divorce proceedings were initiated, particularly since the offences alleged against the Petitioners are punishable by less than seven years.

13) The Hon'ble Apex Court in *Kahkashan Kausar @ Sonam Vs. State of Bihar*⁴, held as follows:

18. "The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute,

³ (2014) 8 SCC 273

⁴ MANU/SC/0163/2022

if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them".

22. "Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the accused appellants, it would be unjust if the Appellants are forced to go through the tribulations of a trial, i.e., general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must therefore be discouraged."

14) In **K. Subba Rao & others v. State of Telangana**⁵, the Hon'ble Apex Court held thus:

5. Criminal proceedings are not normally interdicted by us at the interlocutory stage unless there is an abuse of the process of a court. This Court, at the same time, does not hesitate to interfere to secure the ends of justice. See *State of Haryana v. Bhajan Lal* [*State of Haryana v. Bhajan Lal*, MANU/SC/0115/1992]. The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out. See *Kans Raj v. State of Punjab* [MANU/SC/0296/2000] and *Kailash Chandra Agrawal v. State of U.P.* [(2014) 16 SCC 551]

15) In light of the decisions cited supra and given the submission of the Petitioners' counsel that 1st Petitioner could not appear for conciliation proceedings before the Family Court, due to the registration of the crime, and considering that Petitioners 2 and 3 are the 1st Petitioner's parents and 4th Petitioner is the 3rd Petitioner's brother, the possibility of implicating the Petitioners in the commission of the offence cannot be ruled out.

16) At this stage, the allegations against the Petitioners are subjected to the trial's outcome. It is settled law that mere apprehension that the accused

⁵ MANU/SC/0880/2018

would tamper with the prosecution evidence or intimidate the witnesses cannot be a ground to refuse bail unless the prosecution shows that the accused tried for such tampering/intimidation.

17) In *Siddharam Satlingappa Mhetre V. State of Maharashtra*⁶, the Hon'ble Apex Court laid down certain factors and parameters that must be considered while dealing with anticipatory bail. It further held as follows:

113. Arrest should be the last option, and it should be restricted to those exceptional cases where arresting the accused is imperative based on the facts and circumstances of that case. The Court must carefully examine the entire available record, particularly the allegations directly attributed to the accused, which are corroborated by other material and circumstances on record.

18) It is also a well-accepted principle that bail is the rule and the jail is the exception. The Hon'ble Apex Court in *P.Chidambaram V. Directorate of Enforcement*⁷, considering all the earlier judgments, observed that the basic jurisprudence relating to bail remains the same in as much as the grant of bail is the rule and refusal is the exception to ensure that, the accused has the opportunity of securing fair trial.

19) It is not the Prosecution's case that the Petitioners did not cooperate with the investigation, and they are not available for interrogation. There is no indication of a likelihood that the Petitioners would abscond from the jurisdiction of the Court. The Petitioners have expressed willingness to cooperate with the investigation agency. The object of the bail is neither punitive nor preventative. The likelihood of levying accusations with the intention of harming or embarrassing the Petitioners through potential arrest is not improbable.

20) Given the facts and circumstances of the case coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this

⁶ (2011) 1 SCC 694

⁷ (2019) 9 SCC 66

case, this Court views that even if the Petitioners are granted pre-arrest bail, there cannot be any apprehension for the Prosecution that they will tamper with the evidence. The material placed on record discloses that the Petitioners have a permanent abode. The facts do not warrant custodial interrogation of the Petitioners in the nature of the accusations. Granting anticipatory bail to the Petitioners would not impede the ongoing investigation.

21) Upon careful review of the available material, as there is no risk of interference with the ongoing investigation by the Petitioners, this Court finds that anticipatory bail can be granted to the Petitioners under certain conditions:

- i) Petitioners are directed to surrender before the Station House Officer, Kolimigundla Police Station, Nandyal District, within two (2) weeks from today. On such surrender, the Petitioners shall be enlarged on bail on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like sum each to the satisfaction of the concerned Investigating Officer.
- ii) The Petitioners shall cooperate with the investigation and they shall make themselves available for interrogation by a police officer as and when required, and they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

22) It is explicitly clarified that the observations made in this Order are preliminary and pertain solely to the decision on the present petition without indicating a stance on the case's merits. The Investigating Agency is affirmed to have the freedom to investigate without being influenced by the observations in this Order.



- 23) Accordingly, the Criminal Petition is *allowed*.

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

SD/-B.CHITTI JOSEPH
ASSISTANT REGISTRAR
Heu
SECTION OFFICER

//TRUE COPY//

For

To,

1. The Station House Officer, Kolimigundla Police Station, Nandyal District.
2. One CC to Sri Nageshwar Rao Pujari, Advocate [OPUC]
3. Two CCs to Public Prosecutor (AP) High Court of Andhra Pradesh [OUT]
4. One spare copy

CVSS

HIGH COURT

TMR,J

DATED:20/03/2025

BAIL ORDER

CRLP.No.1609 of 2025

ALLOWED

