

Andhra Pradesh High Court - Amravati

Samaleti Shiva vs State Of Andhra Pradesh, on 3 September, 2025

APHC010374892025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

[3521]

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR

JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO:

7709/2025 Between: 1. SAMALETI SHIVA, S/O RAJAYYA, AGED ABOUT 20
YEARS, C/SC- MADIGA, YERRAMBALLY VILLAGE, BHONGIRI MANDAL,
YADADRI BHONGIR DISTRICT, TELANGANA STATE.

...PETITIONER/ACCUSED

AND 1. STATE OF ANDHRA PRADESH,

Represented by its Public Prosecutor, High Court of Andhra Pradesh
at Amaravathi_ Through, Station House Officer, Chinturu Police
Station, Chinturu, Alluri Sitarama Raju District.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused: 1. M/S.ASTONISH LAWS Counsel for
the Respondent/complainant: 1. PUBLIC PROSECUTOR The Court made the
following: 2 ORDER:

This Criminal Petition has been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to enlarge the petitioner- accused No. 4 on bail in crime No. 97 of 2024 of Chintoor Police Station, Alluri Sitharama Raju District, registered for the offence punishable under Section 20 (b) (ii) (C) read with Section 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Case of the prosecution is that on 20-12-2024 at about 5 p.m., opposite to Chinturu Police Station, Chinturu Village and Mandal, the Sub Inspector of Police, Chinturu Police Station, along with his staff and mediators apprehended accused No. 3 while he and accused Nos. 4 and 5 were transporting 40 K.Gs. of Ganja. It is the further case of prosecution that accused Nos. 3 to 5 fetched Ganja from accused No. 1 and they were transporting the same at the instance of accused No. 2.

3. Sri Chandra Sekhar Ilapakurti, learned counsel for the petitioner, contends that the petitioner is innocent of the alleged offence and has been falsely implicated by the police. It is further submitted that the petitioner is the sole earning member of the family and, therefore, his continued incarceration would cause undue hardship to his dependents. The petitioner undertakes to strictly adhere to any conditions that may be imposed by this Court. In light of the foregoing, learned counsel prays that the present petition be allowed in the interest of justice.

4. Per contra, Ms. Akhila Naidu, learned Assistant Public Prosecutor, vehemently opposed the grant of bail to the petitioner, submitting that the investigation is still underway and several material witnesses remain to be examined. It is contended that if the petitioner is released on bail at this stage, there is a strong likelihood that he may

abscond, thereby hampering the ongoing investigation and evading the process of law. In view of the foregoing, it is urged that the petition be dismissed.

5. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor. Perused the record.

6. As seen from the record, the allegation against the petitioner-accused No. 4 is that he had indulged in dealing with 40 K.Gs. of Ganja as a transporter. Accused No. 4 was not spot arrested. The role of accused No. 4 has come into light as per the confession of accused No. 3. Accused No. 1 was already enlarged on bail. Accused No. 3 was also enlarged on bail by order dated 17-02-2025 in Criminal Petition No. 1407 of 2025 by a learned single judge of this Court. There are no adverse antecedents reported against the petitioner-accused No. 4. The petitioner was arrested on 10-04-2025. He has been in judicial custody for the past 147 days. The petitioner is permanent resident of Yerrambally Village, Bhongiri Mandal. Thus, he has got fixed abode. Learned single judge of this Court, while allowing the criminal petition filed for releasing of accused No. 3, observed that investigation was completed and charge sheet could not be filed for want of inventory. The petitioner also stands on the similar footing of accused No. 3 on the principle of parity. The only material against the petitioner is the confession of co-accused, which, in terms of evidentiary value, is very weak and insufficient for opposing bail. In this context, it is apposite to refer to the judgment of the Hon'ble Apex Court in P.Krishna Mohan Reddy v. State of Andhra Pradesh¹, wherein it is held at para Nos. 27 and 53 (iv) as under:

"27. To some extent, the petitioners could be said to have made out a prima facie case of political bias or mala fides but that by itself is not sufficient to grant anticipatory bail overlooking the other prima facie materials on record. Political vendetta or bias if any is one of the relevant considerations while considering the plea of anticipatory bail. The courts should keep one thing in mind, more particularly, while considering the plea of anticipatory bail that when two groups of rival political parties are at war which may ultimately lead to litigations, more particularly, criminal prosecutions there is bound to be some element of political bias or vendetta involved in the same. However, political vendetta by itself is not sufficient for the grant of anticipatory bail. The courts should not just look into the aspect of political vendetta and ignore the other materials on record constituting a prima facie case as alleged by the State. It is only when the court is convinced more than prima facie that the allegations are frivolous and baseless, that the court may bring into the element of political vendetta into consideration for the purpose of considering the plea of anticipatory bail. The frivolity in the entire case that the court may look into should be attributed to political bias or vendetta.

53. From the above exposition of law, the following emerges:

(iv) Where such police statement of an accused is confessional statement, the rigour of Section(s) 25 and 26 respectively will apply with all its vigour.

A confessional statement of an accused will only be admissible if it is not hit by Section(s) 24 or 25 respectively and is in tune with the provisions of Section(s) 26, 28 and 29 of the Evidence Act respectively. In other words, a police statement of an accused which is in the form of a confession is per se inadmissible and no reliance whatsoever can be placed on such statements either at the stage of bail or during trial. Since such confessional statements are rendered inadmissible by virtue of Section 25 of the Evidence Act, the provision of Section 30 would be of no avail, and no reliance can

be placed on such confessional statement of an accused to implicate another co-accused." 2025 SCC Online SC 1157

7. Considering the facts and circumstances of the case and the nature and gravity of the allegations levelled against the petitioner-accused No. 4 and his period of judicial detention, this Court is inclined to enlarge the petitioner-accused No. 4 on bail with the following stringent conditions:

(i) The petitioner-accused No. 4 shall be enlarged on bail subject to his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of learned Judicial I Class Magistrate, Rampachodavaram;

(ii) The petitioner-accused No. 4 shall appear before the Station House Officer concerned on every Saturday in between 10 a.m. and 5 p.m. till cognizance is taken by learned the trial Court;

(iii) The petitioner-accused No. 4 shall not leave the limits of the district without prior permission from the investigating officer until the charge sheet is filed;

(iv) The petitioner-accused No. 4 shall not commit or indulge in commission of any offence in future;

(v) The petitioner-accused No. 4 shall cooperate with the investigating officer in further investigation of the case and shall make himself available for interrogation by the investigating officer as and when required;

(vi) The petitioner-accused No. 4 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 him/her from disclosing such facts to the court or to any police officer; and

(vii) The petitioner-accused No. 4 shall surrender his passport, if any, to the investigating officer. If he claims that he does not have a passport, he shall submit an affidavit to that effect to the investigating officer.

8. The criminal petition is accordingly allowed.

_____ Dr. Y.LAKSHMANA RAO, J.

Date: 03.09.2025 JSK THE HONOURABLE DR. JUSTICE Y. LAKSHMANA RAO CRIMINAL PETITION No. 7709 OF 2025 Date: 03.09.2025 JSK

court.

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