

# Dronadri Narasanna vs The State Of Andhra Pradesh on 10 April, 2025

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APHC010158482025

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

[3369]

THURSDAY, THE TENTH DAY OF APRIL  
TWO THOUSAND AND TWENTY  
TWENTY-FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 3347/2025

Between:

Dronadri Narasanna

...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. K V L NARASIMHA RAO 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'), 'BNSS') is filed on behalf of the Petitioner/Accused seeking anticipatory bail in Crime No. 5 of Akividu Police Station, West est Godavari District District, registered for the offences punishable under Sections 64(1) r/w 62 of Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. The case of the prosecution, in brief, is that this his is a case that occurred on 06.03.2025 at about 7.00 PM at the house of the accused in Upparagudem hamlet of Cherukumili village in Akividu Mandal and reported on 18.03.2025 at 2.00 PM wherein the complainant reported that the accused is her neighbour and his wife has been staying in Kuwait from the past 3 years and the wife of the accused and complainant are friends. On 06.03.2025 at about 7.00 PM, the accused asked the complainant to go to his house to talk with his wife by phone. On that, the complainant went to the

house of the accused, and while she was talking with his wife, the accused suddenly caught her on her back, made her fall on the cot and tried to naked her forcibly. At the same time, the complainant's husband came to the house and called her loudly as she was not present in the house. On hearing the calls of her husband, the accused escaped from there. Later, they tried to settle their issue before the elders, but the accused did not repent. Hence, the complainant presented her report to take necessary action against the accused.

3. Learned counsel for the petitioner submits that the dispute stems from family boundary issues. The defacto-complainant, envious of the petitioner's wife, who works in Kuwait and earns well, sought assistance to work there. However, her age and qualifications made her ineligible, which led to resentment. The alleged offence occurred on 06.03.2025 at 7:00 PM, yet the complaint was filed on 18.03.2025 at 2:00 PM, indicating a significant delay and suggesting an extortion attempt. Failing to do so, the defacto-complainant resorted to filing a false complaint. The petitioner, an agricultural labourer, solely supports his children and elderly parents through his earnings. The petitioner is ready to cooperate with the investigation.

4. On the other hand, the learned Assistant Public Prosecutor, appearing for the Respondent/State, opposed the grant of anticipatory bail to the petitioner and submitted that given the serious allegation against the petitioner, his custodial interrogation is required during an investigation of the case to find out the details of the case. It is, therefore, submitted that the petitioner ought not to be given the privilege of anticipatory bail.

5. I have heard both sides. Learned counsel on both sides reiterated their submissions, which are on par with the contentions presented in the petition and the report.

6. In Mahipal V. Rajesh<sup>1</sup>, 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.

7. 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.

8. In Rakesh Baban Borhade Vs. State of Maharashtra and another <sup>2</sup>, 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".

9. The material on record shows that the accused is the defacto complainant's neighbour and relative, and his wife, a resident of Kuwait, is the complainant's friend. On 06.03.2025, around 7:00 PM, while the complainant was housekeeping at the rear of her home, the accused called, stating that his wife in Kuwait wanted to speak with her. The complainant went to the accused's house, and

while talking with his wife, the accused misbehaved with her and tried to commit rape on her. On hearing her husband's call, the accused escaped from there.

10. The learned counsel for the petitioner submits that the significant delay in complaining suggests that the defacto complainant tried to grab money from the petitioner without any substantial case against him.

11. The primary concern of the Court while dealing with the present petition is to ensure a free and fair investigation to unveil the truth. To ensure the (2020) 2 SCC 118 2015 SAR (Criminal) 156 same, the Court has to keep in mind the gravity of the offence and the chances of having an adverse impact on the investigation in case the petition is granted anticipatory bail.

12. Upon reading the petitioner's bail application, it appears that the defacto complainant harboured resentment towards the petitioner's family, as the petitioner's wife worked in Kuwait and earned a substantial income. The complainant, desiring to work in Kuwait and earn money, asked the petitioner and his wife for assistance in arranging a visit. However, due to her age and qualifications, she was deemed unfit to work there, and despite their efforts, her trip to Kuwait did not materialise. As a result, the complainant allegedly held a grudge and filed the complaint. At this stage, it is difficult to accept the petitioner's claim that the case is fabricated solely due to his failure to arrange the complainant's job in Kuwait. The veracity of the claims made by both parties will be determined during the course of the investigation.

13. In a case containing serious allegations, the Investigating Officer deserves a free hand to take the investigation to its logical conclusion. The investigation officer, who has been prevented from subjecting the petitioner to custodial interrogation, can hardly be fruitful in finding prima facie substance in the grave allegations. The possibility of the investigation being effected once the petitioner is released on bail is very much foreseen.

14. Regarding the prosecution's case, the investigation remains incomplete. The anticipatory bail for the petitioner may adversely impact the ongoing investigation. The nature of the accusations is grave, involving allegations of attempt to rape. The investigation agency has not had the opportunity to interrogate the Accused/Petitioner. There is a potential risk of absconding. The material on record, prima facie, establishes a case under section 64(1) of BNS. The established legal principle is that anticipatory bail is not to be granted as a matter of rule; it should only be given when the Court is convinced that exceptional circumstances warrant such an extraordinary remedy.

15. It is a well-established principle of law that the power to grant bail under Section 438 Cr.P.C. should be exercised sparingly and only in extraordinary circumstances, and, as no such circumstances have been demonstrated in this case, given the seriousness of the allegations against the petitioner, bail is not warranted.

16. Given the settled principles considering the facts and circumstances of the present case and the fact that the investigation is at a preliminary stage; and while perusing the allegations leveled against the petitioner, and considering the serious allegations against the petitioner and the

requirement of his custodial interrogation during investigation of the case and potential punishment in light of the allegations, this Court is of the considered view that this is not a fit case, where the privilege of anticipatory bail be given to the petitioner.

17. It is explicitly clarified that the observations made in this order are preliminary and pertain solely to the decision on the present application without indicating a stance on the case's merits. The Investigating Agency is free to investigate without being influenced by the observations in this order.

18. Consequently, the Criminal Petition, lacking merit, and is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

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JUSTICE T. MALLIKARJUNA RAO Date: 10.04.2025  
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3347/2025 Date: 10.04.2025 SAK