



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

[3396]

WEDNESDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION NO: 512/2026

Between:

KALIKIRI KRANTHI CHAITHANYA ALIAS KRANTHI,, S/O K. GANGI REDDY, AGE 60 YEARS, OCC ADVOCATE, R/O. D.NO.10-36/3, PONNAKALYA MANDAPAMROAD, TIRUCHANUR TOWN, TIRUPATI RURAL MANDAL, TIRUPATI DISTRICT.

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AT AMARAVATI.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

1. RAJA RAO POTHUGUNTA

Counsel for the Respondent/complainant:

1. PUBLIC PROSECUTOR

The Court made the following:

ORDER:

This Criminal Petition under Sections 480 and 483 of Bharatiyana Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), has been filed by the Petitioner / Accused No.1, seeking regular bail in connection with Crime No.31 of 2026 of Tirupati East Police Station, Tirupati District registered for the offences under Sections 196(1), 197(1), 152, 292, 294(2), 352, 351(3), 353 and 61(2) read with 3(5) of BNS.

2. The case of the Prosecution, in brief, is that, Petitioner / Accused No.1 and Accused No.2 illegally fixed banners at Annamayya Circle of Tirupati Town without permission during midnight, which were prepared by Accused No.3 by replacing three Lions in the Ashoka Chakra, with bull faces and also morphed into a pair of pants and a police belt. It is further alleged that, the wheel that should be in the centre of this emblem has been morphed to show more than 24 spokes. Instead of the horse and bull that should have been on either side of the wheel, they have morphed it into a man shooting another man with a gun on one side and a swastika symbol on the other. The word "Satyameva Jayate", which should have been in the Davangiri language, has been morphed into 'Satyameva Parajayate. "Let's fight against Hindu fascism" is written illegally. Showing on the banner that "Civil Rights Association" 20th State Conference in Tirupati on January 10th and 11th, 2025 (Let's move for democracy). It is also alleged that the Petitioner herein and Accused No.2 intentionally morphed the emblem by tarnishing the image of India; by creating conflicts between two communities, completely damaging law and order and public peace, violating the sovereignty of the country. Hence, the complaint.

3. Sri Soora Venkata Sainath, learned counsel assisted by Sri Raja Rao Pothugunta, learned counsel for the Petitioner and Sri K.Sandeep, learned Assistant Public Prosecutor for State submitted their arguments at length.

4. Learned counsel for the Petitioner would submit that the entire prosecution case arises out of alleged display of banners containing slogans

and symbolic depictions, which, even if taken at their face value, do not disclose the essential ingredients of the grave offence under Section 152 of BNS. Learned counsel would further submit that the allegations leveled against the Petitioner are false and baseless. It is further submitted that Section 152 is a narrow provision intended to address existential threats to the State and not dissent, symbolic expression or even offensive speech. In the absence of ingredients of Section 152 of BNS, all remaining offences are punishable with imprisonment of less than seven years and are governed by Section 35(3) BNSS.

Learned counsel would further argue that all banners, photographs and electronic devices have already been seized and material witnesses examined. No custodial interrogation or recovery remains, and as such continued incarceration of the Petitioner is not required. It is further submitted that the petitioner is a 60-year-old practicing advocate with deep roots in society, no criminal antecedents and no risk of absconding or tampering with evidence. It is submitted that, in the absence of compelling reasons for continued custody, denial of bail would violate the petitioner's right to personal liberty under Article 21 of the Constitution of India. Learned counsel would submit that the Petitioner deals with *probono* cases for the people. The petitioner undertakes to cooperate with the investigation and abide by any conditions imposed by this Hon'ble Court. In support of his contentions, learned counsel has placed reliance on the judgment of the

Bombay High Court in **Sanskar Marathe vs. State of Maharashtra and others**¹

5. *Per contra*, learned Assistant Public Prosecutor would submit that the allegations are serious and not mere symbolic expression or dissent. The acts alleged *prima facie* disclose ingredients of an offence under Section 152 of BNS, which requires detailed examination at trial. It is further submitted that the investigation is still in progress. Release of the Petitioner at this stage may hamper the investigation, including identification of other persons involved. It is further submitted that, the Petitioner involved in another case in Crime No.67 of 2003. Learned Assistant Public Prosecutor would contend that the right to personal liberty under Article 21 is subject to reasonable restrictions and must be balanced against societal interest. Learned Assistant Public Prosecutor would submit that the Petitioner admitted his alleged acts in his confessional statement. In view of the seriousness of the allegations and the need for effective investigation, the petition is liable to be dismissed.

6. Learned counsel for the Petitioner, in reply, would submit that the alleged signature of the Petitioner in his confessional statement was obtained coercively. It is further submitted that the Petitioner is not a habitual offender.

7. Considering the rival submissions on perusal of the material placed on record, this Court is of the view that, at the stage of consideration of bail, this

¹ 2015 SCC OnLine Bom 587

Court is not required to conduct a detailed analysis of the evidence or to determine conclusively whether the alleged acts satisfy the ingredients of Section 152 of BNS and such issues are matters for trial. However, it is evident from the record that the prosecution case substantially rests on documentary and electronic material, which is stated to have already been seized. The Investigating Agency has not shown the necessity for further custodial interrogation of the Petitioner.

8. It is pertinent to mention that the Petitioner is a 60-year-old practising Advocate. Except for reference to Crime No.67 of 2003, no material is placed to show that the Petitioner is a habitual offender. There is also no material to indicate that the Petitioner is likely to abscond or tamper with evidence. It is a settled principle that pre-trial detention should not be punitive in nature and that deprivation of personal liberty must be justified by compelling reasons. Having regard to the nature of allegations, the stage of investigation, the age and status of the Petitioner, and the absence of any specific material justifying continued custody, this Court is of the considered view that the Petitioner is entitled to be enlarged on bail. However, the apprehension expressed by the prosecution that release of the Petitioner may hamper the investigation can be addressed by imposing appropriate conditions.

9. Accordingly, the Criminal Petition is allowed. The Petitioner shall be released on bail, subject to the following conditions:

- (i) The Petitioner shall execute a personal bond for a sum of ₹20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum each, to the satisfaction of the Court concerned;
- (ii) The Petitioner shall cooperate with the investigation and shall appear before the Investigating Officer as and when required;
- (iii) The Petitioner shall not directly or indirectly influence, intimidate or tamper with prosecution witnesses or evidence;
- (iv) The Petitioner shall not make or publish or disseminate any information, statement, or post whether in print, electronic or social media concerning the present crime till conclusion of the trial.
- (v) The Petitioner shall not indulge in similar nature of alleged unlawful activity in future.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Dt.04.02.2026

Note: Issue C.C today

B/o.

Dinesh

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION No.512 of 2026

Dated:04.02.2026

Dinesh