

***THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

+ Criminal Petitions Nos.8059, 8114, 8320, 8545,

8550 and 8854 of 2024

% 07.05.2025

Between:

S Bhargav Reddy

...Petitioner

And

The State of Andhra Pradesh

...RESPONDENT(S)

Counsel for the Petitioner : Sri Ponnawolu Sudhkar Reddy,

senior counsel for Sri R.Yella Reddy

Counsel for the Respondent(S): Public Prosecutor

< Gist :

> Head Note:

? Cases Referred:

¹ 2014 SCC Online Ker 26557

¹ (2015) 14 SCC 272

¹ 2024 SCC online AP 5532

¹ 2024 SCC Online All 8095

¹ (2014) 8 SCC 273

¹ 2017(2) SCC 514

APHC010502082024



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

[3460]

WEDNESDAY ,THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

CRIMINAL PETITION NO: 8059/2024

Between:

S Bhargav Reddy

...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh **...RESPONDENT/COMPLAINANT**

Counsel for the Petitioner/accused:

1.R YELLA REDDY

Counsel for the Respondent/complainant:

1.PUBLIC PROSECUTOR

CRIMINAL PETITION NO: 8114/2024

Between:

S. Bhargav Reddy

...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh **...RESPONDENT/COMPLAINANT**

CRIMINAL PETITION NO: 8320/2024

Between:

Sajjala Bhargav Reddy ...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh ...RESPONDENT/COMPLAINANT

CRIMINAL PETITION NO: 8545/2024

Between:

S. Bhargav Reddy ...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh ...RESPONDENT/COMPLAINANT

CRIMINAL PETITION NO: 8556/2024

Between:

Malli Sowjanya ...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh and Others ...RESPONDENT/COMPLAINANT(S)

CRIMINAL PETITION NO: 8854/2024

Between:

Sajjala Bhargav Reddy ...PETITIONER/ACCUSED

AND

The State Of Andhra Pradesh ...RESPONDENT/COMPLAINANT

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY
Criminal Petitions Nos.8059, 8114, 8320, 8545,
8550 and 8854 of 2024

COMMON ORDER:

The present applications are filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail. In all these petitions, Sajjala Bhargava Reddy is the Petitioner.

2. Brief facts of each of the case are as under:
3. **Cri.P.No.8059 of 2024:** The Petitioner is A.1 in Crime No.263 of 2024 on the file of Gudivada II Town Police Station, Krishna District filed for the offences under Sections 192, 196, 336(4), 340(2), 353(2), 79, 111(2)(b), 79 of BNS and Section 67 of the Information Technology Act, 2000.
4. A complaint was lodged on 3.11.2024 by one Akunuri Sriram Kanakabaram against Khaja Baba Mohammad regarding abusive posts in social media. Initially, Khaja Baba Mohammed was arrayed as Accused No.1 in the crime. During investigation, it came to light that Petitioner and others on behalf of YSRCP political party were allegedly paying Khaja Baba Mohammed for

posting derogatory content and are the main accused in the case and hence, the Petitioner was implicated as A.1 in the crime.

5. **Cri.P.No.8114 of 2024**: The Petitioner is A.1 in Crime No.165 of 2024 on the file of Kadiri Rural Police Station, Sri Satya Sai District filed for the offences under Section 196 of BNS and Section 66 of the Information Technology Act, 2000. Sections 111(2), 61, 192, 196, 336(4), 340(2), 352(2) read with 3(5) of BNS and Sections 66 and 67 of the Information Technology Act, 2000 were added subsequently in the remand report.

6. A complaint was lodged on 02.11.2024 by one Shaik Mohhamed Juned against one Malaka Amarnath Reddy regarding abusive posts in social media and he was initially arrayed as Accused No.1. It is alleged that Malaka Amarnath Reddy voluntarily revealed that Petitioner and others on behalf of YSRCP political party were allegedly paying the original accused for posting derogatory content and are the main accused in the case and hence, the Petitioner was implicated as A.1 in the crime.

7. **Cri.P.No.8320 of 2024**: The Petitioner is A.1 in Crime No.213 of 2024 on the file of Prakash Nagar Police Station, East

Godavari District filed for the offences under Sections 196 and 353(2) of BNS and subsequently Sections 61(2), 111(2)(b), 196, 336(4), 340(2), 353(2), 356(2) and Section 67 of the Information Technology Act, 2000 were added. A complaint was lodged on 07.11.2024 by one Borra Chinni Babu against one Inturi Ravi Kiran regarding abusive posts in social media. Based on the confession of the said Inturi Ravi Kiran, the Petitioner was implicated as A.1 in the crime.

8. **Cri.P.No.8545 of 2024:** The Petitioner is A.2 in Crime No.495 of 2024 on the file of Mangalagiri Rural Police Station filed for the offences under Sections 61(2), 79, 111 (1), 353 (2) of BNS and Sections 66E, 67 and 67A of the Information Technology Act, 2000.

9. A complaint was lodged on 17.11.2024 by one Kandru Rajesh Babu regarding abusive posts in social media against one Parvatha Sudhakar Reddy. Based on the complaint, the present Petitioner was implicated as A.2 in the crime.

10. **Cri.P.No.8550 of 2024:** The Petitioner is A.2 in Crime No.189 of 2024 on the file of Kothakota Police Station, Annamayya District filed for the offences under Sections 352,

353(1)(c) and 353(2) and subsequently, Sections 61(1)(a), 79, 111(2)(b) and 192 read with 3(5) of BNS and Section 67(a) of the Information Technology Act, 2000 were added in the remand report.

11. A complaint was lodged on 4.11.2024 by one Chakana Raja against one Kurmaiahgari Hanumantha Reddy regarding abusive posts in social media. Basing on the confession of the said Kurmaiahgari Hanumantha Reddy that Petitioner and others on behalf of YSRCP political party were allegedly paying the original accused for posting derogatory content and are main accused in the case and hence, the Petitioner was implicated as A.2 in the crime

12. **Cri.P.No.8854 of 2024**: The Petitioner is A.2 in Crime No.228 of 2024 on the file of Macherla Police Station, Palnadu District filed for the offences under Sections 61(2), 196, 352, 353, 111(2)(b) of BNS and Section 67 of the Information Technology Act, 2000 and subsequently, Section 62(2) of BNS was added in the remand report.

13. A complaint was lodged on 10.11.2024 by one Kambhamapati Anil Kumar against Inturi Ravi Kiran regarding

abusive posts in social media. Upon confession made by Inturi Ravi Kiran that Petitioner and others on behalf of YSRCP political party were allegedly paying the original accused for posting derogatory content and are the main accused in the case and hence, the Petitioner was implicated as A.2 in the crime.

14. The offence alleged, in short, was that derogatory/abusive posts were spread in social media platforms against the rival political leaders holding Constitutional posts.

15. The Petitioner was arrayed as accused on the basis of confessions made by the co-accused i.e. persons in whose names the social media accounts were registered. The common thread of allegations against the Petitioner in all the cases is that the Petitioner is in-charge of the social media of YSRCP political party and that the derogatory/abusive posts were made by the social media account holders at the instance of the Petitioner.

16. The offences under which the Petitioner was charged in all the cases, barring Section 111 of the BNS, carry maximum sentence of seven (7) years imprisonment and by default would be entitled to notice under Section 35(3) of the BNSS.

17. As noted above, the only bar for issuing notice under Section 35(3) of the BNSS is Section 111 of the BNS and the entire argument revolved around applicability of the Section 111 of the BNS to the facts of the case. These cases were heard along with a batch of cases of similar nature and this Court had disposed of four criminal petitions filed by the Petitioner i.e Crl.P.Nos.8860, 8876, 8877 and 8119 of 2024 by order dated 07.02.2025 with the consent of both the counsel to follow Section 35 (3) of BNSS before proceeding further against the Petitioner.

18. Heard Sri Ponnabolu Sudhkar Reddy, learned Senior Counsel appearing for Sri R.Yella Reddy for the Petitioner and Sri M.Lakshmi Narayana, Public Prosecutor for the Respondents.

19. **Contentions:** It is the contention of the learned counsel for the Petitioner that Section 111 of the BNS is not attracted to the facts of this case since it requires two chargesheets to be pending in the past 10 years with reference to the offences specified in Section 111 of the BNS and in the absence of any such chargesheets, Section 111 of the BNS is not attracted. It is their contention that Section 111 of the BNS was made applicable only with an intent to ensure that there is no

requirement to follow Section 35 of the BNSS and to settle political scores by arresting the Petitioner. Learned counsel further contended that the confession of co-accused has extremely poor evidentiary value and such confessions obtained in custody can never be relied upon. The learned counsel further argued that many of the alleged abusive posts were made prior to the onset of the BNS and therefore Section 111 of the BNS cannot be made applicable to the case.

20. Learned Public Prosecutor, in response, had produced the details of the social media posts made by the account holders and contended that such derogatory posts having been made solely at the instance of the Petitioner have the effect of disturbing the harmony in the society. It was further contended that the confessions made by the account holders/co-accused were voluntary and they had admitted in detail the role played by the Petitioner. He also contended that the abusive social media posts at the instance of rival political party were made by the co-accused/account holders for remuneration and the same being a well-oiled network attracts the offence under Section 111 of the BNS. The learned Public Prosecutor contended that the organized derogatory posts at the instance of the Petitioner

amounted to 'organized crime'. The learned Public Prosecutor submitted that the abusive social media posts were made prior to the onset of the BNS and also thereafter and therefore Section 111 of the BNS is applicable to the facts of the case.

21. Learned Public Prosecutor had pointed out that there is no requirement of two chargesheets against the accused in the previous 10 years and submitted that filing of complaints would suffice. He further contended that the evidentiary value of the confession of co-accused is an aspect for appreciation by the trial Court.

22. **Issue:** Having heard the respective counsel, the issue that falls for consideration in these cases is 'whether the Petitioner is entitled for anticipatory bail at this stage'?

23. **Reasoning:** Before going into the applicability of Section 111 of the BNS, it would be appropriate to refer to Section 111 of the BNS so that there is ease in explaining the scope and applicability of the provision. Section 111 of the BNS reads as under:

Section 111.

(1) Any continuing unlawful Activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber-crimes, trafficking of persons, drugs, weapons or illicit goods or services, human trafficking for prostitution or ransom, by any person or a group of persons acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, or by any other unlawful **means to obtain direct or indirect material benefit including a financial benefit**, shall constitute organised crime.

Explanation.—For the purposes of this sub-section,— (i) “organised crime syndicate” means a group of two or more persons who, acting either singly or jointly, as a syndicate or gang indulge in any continuing unlawful activity;

(ii) “**continuing unlawful Activity**” means an Activity prohibited by law which is a cognizable offence punishable with imprisonment of three years or more, undertaken by any person, either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent Court within the preceding period of ten years and that Court has taken cognizance of such offence, and includes economic offence;;

24. The primary requirement to attract “organised crime” is that the unlawful activity should be for material benefit for the accused including financial benefit in view of the wording “**to obtain direct**

or indirect material benefit including a financial benefit,” occurring in Section 111(1) of the BNS as above. The term “*material benefit including a financial benefit*” is not defined in the BNS. Though similar wordings are used in defining “organised crime” in the *UN Convention against Transnational Organised Crime* and *UN Protocol against Smuggling of migrants by Land, Sea and Air*, the said term occurring in Article 2(a) thereof was not defined. The Article 2(a) of the Convention reads as under:

Article 2 (a): *“Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.*

25. The definition of “*organised crime*” in the Acts of the State like A.P. Control of Organised Crime Act, 2001, Maharashtra Control of Organised Crime Act, 1999 etc., is slightly different. The Section 2(e) of the A.P. Control of Organised Crime Act, 2001 which is similar in Acts akin thereto is extracted below:

Section 2 (e) "organised crime" *means may continuing unlawful activity by an individual, singly or jointly,*

either as a member of an organised crime syndicate or on behalf of such syndicate by use of violence or threat of violence or intimidation or coercion of other unlawful means, with the objective of gaining pecuniary benefit or gaining undue economic or other advantage for himself or any other person or promoting insurgency.

26. In the absence of any specific explanation as to what constitutes material benefit, it would be appropriate to rely on common understanding. In general sense, the term “material benefit” refers to tangible benefits that can be expressed in terms of money or property or is referable to some visible benefit and not a perceptual benefit. In these cases, what *material benefit* the Petitioner obtained assuming that the confession of co-accused is taken to be true is not forthcoming at this stage.

27. The second aspect of the issue is that explanation (ii) to Section 111 of the BNS defining “**Continuing unlawful activity**” mandates more than one chargesheet against the accused in the previous ten years. As on the date of registration of the crimes against the Petitioner, nothing has been pointed out as to the pendency of any chargesheet against the Petitioner for the offences referred in Section 111 of the BNS in the preceding 10 years.

28. In the absence of any chargesheet at the time of registration of crime, the registration of offence under Section 111 of the BNS at this stage appears to be not in consonance with the requirement of law. The High Court of Kerala in the matter of ***Mohammed Hashim v. State of Kerala***¹ after referring to the Judgement of the Hon'ble Supreme Court in the matter of ***State of Maharashtra v. Shiva Alias Shivaji Ramaji Sonawane and others***² arising under the Maharashtra Control of Organised Crime Act, 1999 (for short 'MCOC' Act) held that two chargesheets are a requirement for registering an offence under Section 111 of the BNS. Similar view was taken by the Division Bench of this Court in ***Pappula Chalama Reddy v. The State of Andhra Pradesh***³ in ***W.P.No. 26769 of 2024***, disposed of on ***18.12.2024***.

29. The Learned Public Prosecutor had filed a memo in CrI.P.No.8059 of 2024 vide USR No.12840 of 2025 and as per the memo, all the crimes registered against the Petitioner in different Districts across the State in the year 2024 are under investigation. In the absence of any chargesheet in the preceding

¹ 2014 SCC Online Ker 26557

² (2015) 14 SCC 272

³ 2024 SCC online AP 5532

10 years, which is a requirement of Section 111 of the BNS, the registration of crime under that Section *prima facie* appears to be unwarranted.

30. The reliance by the learned Public Prosecutor on the Division Bench judgment of High Court of Allahabad in the case of ***Jitesh Jha v. State of U.P.***⁴ appears to be misplaced. In the said judgement, the application seeking quash of the crime was rejected after taking note of the fact that four chargesheets and cognisance in two cases by the concerned Court are sufficient compliance to invoke Section 111 of the BNS. The principal argument in that case that the chargesheets registered prior to the advent of the BNS cannot be taken into consideration for invocation of Section 111 of the BNS was rejected.

31. **Result:** In that view and in order to maintain consistency, the Criminal Petitions are disposed of directing the Station House Officers concerned to follow the procedure as contemplated under Section 35(3) of BNSS (Section 41-A of the erstwhile Cr.P.C.) scrupulously, as per the guidelines enunciated

⁴ 2024 SCC Online All 8095

in ***Arnesh Kumar v. State of Bihar and another***⁵. As a sequel, the miscellaneous petitions if any shall stand dismissed.

32. ***Tailpiece:*** A slight detour from the facts of the case. In the present day, vulgar, hate filled and abusive posts in social media have become the new age norm. The “trolls” as they are called, attract lightning responses all over and this is all the more when the point of reference is a celebrity or a political leader of stature and following. It appears that profanity thrives the business entities as they attract instantaneous reactions. In the opinion of this Court, every citizen has the right to lead a dignified life which is a human right recognised under the Constitution of India.

33. The State Government is obligated to ensure that this right to dignified life of citizens is not infringed and it is in that context the list of expletives, swear, militant words and words akin thereto, should be identified by the State Government and executive instructions should be issued in exercise of their power under constitution, prohibiting usage of such words in the social media.

⁵ (2014) 8 SCC 273

34. Pursuant thereto, the State Government may also consider instructing the intermediaries to “auto block” usage of such words on social media as was done by the intermediaries in the case of ***Sabu Mathew George V. Union of India and Others.***⁶, while considering the advertisements in violation of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. In that case, though there was initial resistance for blocking the advertisements, the intermediaries eventually came around and the concept of “auto block” was introduced and accepted. (See Paragraph 14 of *Sabu Mathew’s* case reported in 2017(2) SCC 514).

35. The above observations of this Court may be considered by the State Government as expeditiously as possible.

NYAPATHY VIJAY, J

Date:07.05.2025

Note: L.R.Copy be marked.

KLP

⁶ 2017(2) SCC 514