

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9929 of 2015

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ORDER :

This criminal petition is filed by the petitioners/A.1 and A.2 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.114 of 2015 of Edlapadu Police Station, Guntur District, registered for the offences punishable under Sections 323, 448 and 354 read with 34 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act').

2. Heard the learned counsel for the petitioners and the 1st respondent-State represented by the Public Prosecutor, before admission and before notice to the 2nd respondent and perused the material on record.

3. In fact, the factual matrix falls short for this Court to admit the application to quash the F.I.R. proceedings. However, a perusal of the material shows the factual matrix admits to the concession of bail as it is the submission of the learned counsel for the petitioners that for pointing out the sale of meat (chicken) for human consumption and a false case is foisted by misusing and abusing the process of law and a perusal of the very report shows no any public view. However, a perusal of the part I C.D. file of the police shows the so-called persons P.Haribabu and P.Raghavaiah referred in F.I.R. were came to the occurrence and in their statements they stated that they are the witnesses to the abuses touching the caste name intentionally to attract the offence under Section 3(1)(x) of the Act.

4. Having regard to the above, the criminal petition is disposed of giving liberty to the petitioners/A.1 and A.2 to surrender before the learned Magistrate concerned and move regular bail application on the same day with affidavit of surrender before the learned Special

Judge with notice to Special Public Prosecutor and in such an event, the learned Special Judge shall grant bail on the same day in **their** favour with necessary conditions including as to any requirement of appearance before the police for interrogation. Needless to say, at the post bail stage and pending investigation, the presence of the **petitioners** before the learned Magistrate can be dispensed with. Further, it is needless to say, in the event of filing of charge sheet by the police and any cognizance taken by the learned Magistrate, the further remedies, if any, are left open to the **petitioners**.

5. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

6th October 2015.

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