

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.7432 of 2015

ORDER :

This Criminal Petition is filed by the Petitioners/Accused Nos.1 to 4 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.61 of 2015 of Bheemini Police Station, Adilabad District registered for the offences punishable under Section 506 read with 34 I.P.C. and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

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

3) It is the contention of the learned counsel for the petitioners that it is the outcome of civil dispute in relation to the survey No.201 of Jajjervelli Village and it is a false accusation to implicate the accused persons. No doubt as mentioned in the application, A-4 himself belongs to Scheduled Caste and the provisions of the Act not applicable. Undisputedly the very complaint speaks that A-4 is also belong to Scheduled Caste.

4) Having regard to the above, though but for A-4, so far as others concerned, the facts falls short for this Court to admit the application under Section 482 Cr.P.C to quash the

F.I.R proceedings, the factual matrix entitle to the concession of bail to the petitioners, this petition is disposed of giving liberty to the petitioners to surrender before the learned Magistrate and move a regular bail application before the learned Special Judge with affidavit of surrender before the learned Magistrate with notice to the Special Public Prosecutor and in such an event, the learned Special Judge shall consider and grant bail with necessary conditions on the same day. Needless to say at post bail stage, the presence of the petitioners before the learned Magistrate Court concerned can be dispensed with and further remedies, if any, to the petitioners after filing final report by the police and after taking cognizance by the learned Magistrate are left open. The police shall consider the observation from the very report that A-4 belongs to Scheduled Caste and the provisions of the Act not applied and if necessary file memo to that affect in the course of investigation.

5) With the above observations, the Criminal Petition is disposed of. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.20th August, 2015

KSH