

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.7598 of 2015

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ORDER :

This criminal petition is filed by the petitioners/A.1 to A.5 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.26 of 2015 of Kondapuram Police Station, Nellore District, registered for the offences punishable under Sections 354, 323 and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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. A perusal of the report shows the *de facto* complainant is no other than the daughter of A.1 and A.2. The accused persons entered into the house of the parents-in-law of the *de facto* complainant and beat them by abusing with an intention to insult of their caste questioning the *de facto* complainant wanted by their son and she was also beaten and while taking away forcibly by them to abduct, the villagers intervened and they left.

4. The contention of the learned counsel for the petitioners is that it is a false accusation at the instance of the so-called husband and parents-in-law of the *de facto* complainant to bring them to terms having enticed the

daughter of A.1 and A.2 i.e., *de facto* complainant by the other side and a false case is foisted by abusing the process of law.

5. The facts fall short for this Court to quash, but for to say the factual matrix to the concession of bail by the petitioners.

6. Hence, the criminal petition is disposed of giving liberty to the petitioners 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 in their favour with necessary conditions on the same day. Needless to say, at the post bail stage and pending investigation, the presence of the petitioners before the learned Magistrate can be dispensed with. It is further 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.

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

Dr. B. SIVA SANKARA RAO, J

26th August 2015.

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