

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
CRIMINAL PETITION No.8448 of 2015

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ORDER :

This criminal petition is filed by the petitioners/A.1 to A.3 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.100 of 2015 of Annavaram Police Station, East Godavari District, registered for the offences punishable under Sections 354(a), 324, 323 and 506 read with 34 IPC and Section 3(1)(xi) 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. It is the submission of the learned counsel for the petitioners that even the plain reading of the so-called report, there is nothing to show the application of Section 3(1)(xi) of the Act, much less Section 354 IPC and that leave apart is a false accusation to wreck vengeance against the petitioners, who reported to the Revenue Divisional Officer, Peddapuram, Tahasildar, Shankavaram Mandal as well as the Mandal Divisional Officer, Shankavaram for the illegal construction occupying the road margin by the relatives of the *de facto* complainant by name Palla Sathibabu, Irata Gurraiah, etc., and there

was an enquiry in relation to the report dated 11.05.2015 and thereby this complaint is engineered with false accusation.

4. The facts fall short for this Court to quash the criminal petition or to admit the F.I.R. proceedings, but for to say the factual matrix entitled to the concession of bail by the petitioners.

5. 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.

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

Dr. B. SIVA SANKARA RAO, J

2nd September 2015.

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