

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3408 of 2015

ORDER :

The petitioners, who are accused Nos.1, 2, 3, 5, 6 & 8 in Crime No. 15 of 2015 of Baireddipalle Police Station, Chittoor District, filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with the above crime registered against them and others for the offences punishable under Sections 143, 341, 323, 384, 506 IPC and Section 3(1)(x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

The case of the prosecution is that on 13.02.2015 at 2.30 p.m. while the informant was proceeding in a car for conducting elections, the petitioners and others of Lakkanapalle village stopped his car, dragged him out of the car and forcibly took his ring apart from abusing him by touching his caste. Basing on these allegations, the above case came to be registered.

A perusal of the averments in the first information report would disclose that all the accused in one voice and at one time are alleged to have abused the informant by touching his caste. The report is also silent as to which of the accused is alleged to have stolen the ring and beaten the informant. The issue as to whether a prima facie case is made out, where the allegations are omnibus in nature, came up for consideration in **Mukesh Kumar Saini vs State (Delhi Administration)** where a learned Single Judge of Delhi High Court held that omnibus statement that all the accused persons in one voice humiliated the informant may not be enough to constitute an offence under the Act. In view of the judgment of the Apex Court and having regard to the circumstances stated above, the request of the petitioners can be considered on certain terms and conditions.

Accordingly, the Criminal Petition is allowed and the petitioners are directed to surrender before the Station House Officer, Baireddipalle Police Station, Chittoor District, within a period of fifteen days from today in the above crime and on such

appearance, the petitioners shall be released on bail on their executing a bond for Rs.10,000/- (Rupees Ten thousand only) each with two sureties for a like sum each to the satisfaction of the same Station House Officer. Further, the petitioners shall report before the Station House Officer, Baireddipalle Police Station, Chittoor District, on every Sunday between 10.00 a.m. and 5.00 p.m. for a period of six weeks or till filing of charge sheet whichever is earlier.

JUSTICE C. PRAVEEN KUMAR

17th April, 2015

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17th April, 2015

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