

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8623 of 2015

ORDER :

The present criminal petition is filed by the petitioners/A1 and A2 under Section 482 Cr.P.C seeking to quash the proceedings in FIR No.149 of 2015 on the file of Nellore-III Town Police Station, Nellore, SPSR Nellore District, registered for the offences punishable under 3(1)(x) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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

3) It is the contention of the learned counsel for the petitioners that even from a reading of the report there is no public view of the alleged abuses.

4) In fact, it is premature to express any opinion and the facts fall short to admit the criminal petition to quash the proceedings in the FIR, but for entitlement to concession of the regular bail.

5) Accordingly, this Criminal Petition is disposed of, giving liberty to the petitioners/A1 and A2 to surrender before the learned Magistrate concerned and with affidavit

of surrender on the same day move an application for regular bail before the learned Special Judge with notice to the Special Public Prosecutor concerned, and in such an event, the learned Special Judge, after hearing, shall grant bail with necessary conditions on the same day. Needless to say, at post bail stage, the Magistrate can dispense with the presence of the petitioners/A1 and A2 pending investigation. Further remedies, if any, are left open to the petitioners, in the event of police filing final report after taking cognizance by the learned Special Judge.

Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

03.09.2015
MVA