

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9923 of 2015

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ORDER :

This criminal petition is filed by the petitioners/A.1 and A.7 under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.293 of 2015 of Bommuru Police Station, Rajahmundry Urban, East Godavari District, registered for the offences punishable under Section 384 read with 34 IPC, Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act') and Section 7(1)(d) of the Protection of Civil Rights Act, 1955.

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

3. There is a force in the contention of the learned counsel for the petitioners that there are no ingredients of Section 3(1)(x) of the Act and that any of the ingredients among fifteen provisions of Section 3(1)(x) of the Act applies thereunder to the factual matrix.

4. The material falls short for this Court to quash the F.I.R. proceedings to admit the application under Section 482 Cr.P.C. as the investigation is required to be done, but for to say the factual matrix the petitioners are entitled to the concession of bail.

5. Hence, the criminal petition is disposed of giving liberty to the petitioners/A.1 and A.7 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. Further it is needless to say, in the event of filing of charge sheet by the police and any cognizance taken by the learned Magistrate, 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

6th October 2015.

Note:

Issue C.C. by tomorrow.

(b/o)

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