

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9236 of 2015

-

ORDER :

This Criminal Petition is filed by the petitioners/A1 to A5 under Section 482 Cr.P.C seeking to quash the proceedings in F.I.R.No.73 of 2015 of Bandi-Atmakur Police Station, Kurnool District, registered for the offences punishable under Sections 324, 342, 506 r/w 34 I.P.C. and 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act').

Heard the learned counsel for the petitioners and also the respondent-State represented by the Public Prosecutor before admission and perused the material on record.

It is the contention of the learned counsel for the petitioners that there is a civil dispute in O.S.No.243 of 2015 pending on the file of Principal Junior Civil Judge, Nandyal, Kurnool District, for the relief of declaration of title in relation to the property covered by registered sale deed dated 12.06.2008 of Sy.No.641 of an extent of Ac.72.6 Sq.yards of Galichennaiahpalem Village, Bandi Atmakur Mandal; that there is also a similar crime cause registered at the instance of one Gurralla Sunkamma, who is wife of Ramaswami, as *de facto* complainant in crime No.81 of 2015 dated 08.08.2015 for the offences punishable under Sections 323, 324, 506, 509 r/w 34 I.P.C. and 3(i)(x) of the Act; that the present crime is also an off-shoot by using son of Ramaswami by name Sivanna, alleging that he and his brothers allegedly beaten in the hands of petitioners and sustained trivial injuries

as if for the threats they could not even go to police station to report and that earlier reporting registration of crimes itself is a proof of falsity of the so called threats or fear and it is an after thought averment by misusing provisions of the Act.

Whereas, it is the submission of the learned Public Prosecutor that there

is *prima facie* accusation from the averments of the complaint and there are no grounds either to admit the application or to consider the concession of bail to the petitioners, who deserves to be arrested.

Though the facts fall short for this Court to admit the application but the factual matrix entitles to the concession of bail.

Accordingly, this criminal petition is disposed of giving liberty to the petitioners to surrender before the learned Magistrate concerned and with affidavit of surrender move for regular bail before the learned Special Judge with notice to the Special Additional Public Prosecutor and in such an event the learned Special Judge shall hear and grant bail on the same day with necessary conditions. Needless to say, at the post bail stage pending investigation, the presence of the petitioners before the Court can be dispensed with. Further remedies left open to the petitioners, in the event of police filing final report and any cognizance taken by the learned Magistrate concerned.

The miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:08-09-2015

pab