

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH**

CRIMINAL PETITION No.7263 of 2015

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Between :

Thota Veerabhadraiah S/o.Nageswara Rao

... Petitioner/Accused

AND

The State, S.H.O., Chebrolu Police Station,
Guntur District,
Rep. by its Public Prosecutor
and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 29.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? Yes/No
2. Whether the copies of judgment may be marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7263 of 2015

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ORDER :

This criminal petition is filed by the petitioner/sole accused under Section 482 Cr.P.C seeking to quash the proceedings in Crime No.184 of 2015 of Chebrolu Police Station, Guntur Urban District, registered for the offences punishable under Sections 409 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 petitioner 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 pointed out by the learned counsel for the petitioner that the so-called abuses are not even reflected in the report, but for touching in the caste name and there is no application either under Section 509 IPC or Section 3(1)(xi) of the Act.

4. A perusal of the report shows prima facie there is an accusation under Section 3(1)(x) of the Act and not the offence under Section 509 IPC or Section 3(1)(xi) of the Act as it is in the public view abusing touching the caste name with intend to insult.

5. It is the contention of the learned counsel for the petitioner that it is a political outcome to take vengeance

because of the political differences. The investigation is pending and it is premature to answer anything in the absence of worthy material to stay the investigation or to admit the application for quashing the F.I.R., but for the factual matrix admits entitlement of concession of bail to the petitioner.

6. Accordingly, the criminal petition is disposed of giving liberty to the petitioner 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 and in such an event, the learned Special Judge shall grant bail with necessary conditions after hearing the public prosecutor concerned. Needless to say, at the post bail stage and pending investigation, the presence of the petitioner before the learned Magistrate can be dispensed with. Further it is needless to say, in the event of filing of charge sheet and any cognizance taken by the learned Magistrate, the further remedies, if any, are left open to the petitioner.

7. Miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

29th July 2015.

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