

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 2015 of 2016

ORDER:

The petitioner, who is the sole accused in Crime No.36 of 2015 of S.Kota Police Station, Vizianagaram District, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime, registered for the offences punishable under Sections 420, 468 and 471 IPC.

The material on record discloses that much prior to the registration of this crime, a case in Crime No.97 of 2013 was registered against the petitioner for the offences punishable under Sections 376 and 420 read with 34 IPC and Sections 3 (1) (x) and 3 (1) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. During the course of investigation in the said crime, the petitioner herein is alleged to have produced a caste certificate showing that he belongs to SC Beda Jangam. The said certificate was sent to Tahsildar to know as to whether the same was issued by him. In response to the same, the Tahsildar submitted a report stating that the said certificate is a fake one and the signatures on it are forged. It was further stated that Beda Jangam caste people are not residing in Locherla Vilalge of Therlam Mandal. Basing on the said report, the present crime came to be registered against the petitioner.

Heard learned counsel for the petitioner and Additional Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that the petitioner has not produced any caste certificate and that he is innocent of the said offences alleged against him.

Learned Additional Public Prosecutor submits that in order to overcome the offences punishable under Sections 3 (1) (x) and 3 (1)

(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as alleged against him in Crime No.97 of 2013, the petitioner produced the caste certificate which was found to be fake one as such the petitioner is not entitled for any relief.

A perusal of the material on record discloses that the Tahsildar, who was examined as LW.18 and police recorded his statement in Crime No.97 of 2013, wherein he categorically stated that the caste certificate produced by the accused during the course of investigation in Crime No.97 of 2013 is a fake one and it was never issued by him. Since the caste certificate is fake and forged and produced by the petitioner himself, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner is at liberty to surrender before the Court concerned and make an application for regular bail after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with on merits in accordance with law at the earliest.

Accordingly, the Criminal Petition is disposed of.

C. PRAVEEN KUMAR, J

24.02.2016
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