

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.7614 of 2016

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused seeking to grant bail in Crime No.60 of 2016 on the file of Srikalahasthi I Town Police Station, Tirupathi Urban, Chittoor District, initially registered under Section 174 Cr.P.C. and later, altered to Section 304-A I.P.C.; Sections 7 and 9 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and Section 3(i)(vi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard and perused the material available on record.
3. Case of the prosecution is that on 14.4.2016, at about 9:00 P.M., one Venkatamuni, who is a Mason from Panagal area, went to the house of the *de facto* complainant and took her husband to the house of the petitioner, who is a C.B.C.I.D. Constable, to clean his septic tank; that without taking any protective steps, the husband of the *de facto* complainant got down into the septic tank and due to poisonous gases, he became unconscious and Venkatamuni also got down and he also became unconscious and both of them died; that the petitioner is aware of the caste of the deceased as Madiga and knowing fully well that getting septic tank cleaned by engaging SC/ST persons is illegal, the petitioner allowed the things to happen.
4. Learned Additional Public Prosecutor opposed the bail application by submitting that there is a bar for grant of bail to the petitioner under the provisions of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act and hence, this petition is not maintainable.

5. In view of the submission of the learned Additional Public Prosecutor, this Court is of the view that this is not a fit case to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed.

JUSTICE RAJA ELANGO

Date: 14.6.2016
AMD

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