

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.3811 OF 2017

ORDER:

The present Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973, requesting to grant anticipatory bail.

2. The petitioners are arraigned as accused Nos.1 and 2, respectively, in Crime No.128 of 2017 of Dhone Police Station, Kurnool District, State of Andhra Pradesh, and they alleged to have committed the offences punishable under Sections 324 and 506 read with 34 IPC and Section 3 (1) (s) of the Scheduled Castes and the Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. Heard Ms. P. Padmavathi, learned counsel, for Sri N. Nanda Kishore, learned counsel for the petitioners, and learned Assistant Public Prosecutor for the State of Andhra Pradesh.

4. The learned counsel for the petitioners would submit that petitioner No.1 was arrested and, therefore, to the extent of petitioner No.1, the present petition becomes infructuous.

5. Concerning the 2nd petitioner, the learned counsel tendered arguments on merits, but, however, in view of the bar contained in Special Statute prohibiting grant of anticipatory bail, would confine the request to the extent of directing petitioner No.2 to surrender before the Special Court and to make an application for grant of regular bail, and in case he files an

application, to direct the Special Judge to dispose of the same on the very same day.

6. The learned Assistant Public Prosecutor has no opposition for such a request made by the learned counsel.

7. Therefore, while rejecting the request for grant of anticipatory bail, petitioner No.2 is directed to surrender before the Special Judge and make an application for grant of regular bail, and in case he files such an application, the learned Special Judge shall consider and dispose of the same on its own merits either on the same day or on the next day in accordance with law.

Accordingly, the present Criminal Petition is dismissed.

JULY 12, 2017
Mgr

A. SHANKAR NARAYANA, J

