

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8924 of 2017

ORDER:

This criminal petition is filed by accused Nos.1, 2 and 5, under Section 438 of Cr.P.C., to grant pre arrest bail in Crime No.85 of 2017 on the file of the Station House Officer, Rajupalem Police Station, Kadapa District, for the offences punishable under Sections 147, 148, 307 and 324 read with 149 of IPC and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. The learned counsel for the petitioners submitted that the petitioners are falsely implicated in this case due to land dispute. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioners. *Per contra*, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *ex facie* constitute the offences alleged to have been committed by the petitioners.

3. The case of the prosecution is that on 02.7.2017, the petitioner along with other accused beat the *de facto* complainant and others. The further case is that the petitioners along with other accused insulted the *de facto* complainant by abusing in the name of his caste.

4. The petitioners filed CrI.M.P.No.1650 of 2017 on the file of the Court of II Additional Sessions Judge, Kadapa at Proddatur, under Section 438 of Cr.P.C., and the same was dismissed on 12.9.2017. A perusal of the record reveals that the petitioners filed

Criminal Petition No.7031 of 2017 before this Court, under Section 482 of Cr.P.C., and the same was allowed in part on 11.8.2017 quashing the proceedings against the petitioners so far as Section 3(1)(r)(s) of SCs/STs (PoA) Act is concerned. This Court did not incline to quash the proceedings against the petitioners so far as the other offences are concerned. A perusal of the remand report reveals that petitioner No.1-accused No.1 hacked the *de facto* complainant with a sickle; the petitioner No.2-accused No.2 beat one Yesobu with a stick; and the petitioner No.3-accused No.5 beat one Dhara Mani with a stick. A perusal of the record *prima facie* reveals the role played by the petitioners in the commission of the offence.

5. Taking into consideration the nature of the offences alleged to have been committed by the petitioners, this court is of considered view that it is not a fit case to grant pre arrest bail to the petitioners.

6. Accordingly, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

October 03, 2017
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