

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1710 OF 2017

ORDER:

The petitioner, who is an accused, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.49 of 2017 of Cherial Police Station, Siddipet District, registered for the offences punishable under Section 3(1)(r)(s) of the S.Cs. and S.Ts. (POA) Amendment Act, 2015.

2) The case of the prosecution is that on 18.02.2017 when the informant went to the HP petrol pump for taking petrol, the owner of petrol pump i.e., the accused quarreled with him and beat him. Then he lodged a report which came to be registered as a crime. Again on 20.02.2017 at the old bus stand of Cherial village, when the informant was returning to his home, the petitioner is alleged to have intercepted and abused him in filthy language by touching his caste. The said incident is alleged to have been witnessed by one Barsa Rajamallaiah, Soora Ailaiah and Meka Santosh Kumar. Basing on the said averments, the above case came to be registered.

3) Learned counsel for the petitioner submits that two days prior to the alleged date of incident, the informant lodged a complaint and the same was registered as Crime No.44 of 2017 of Cherial Police Station for the offences punishable under Sections 290, 324 read with 34 IPC. As an afterthought the present report is lodged by including the commission of

offence under S.Cs., and S.Ts. (POA) Amendment Act, 2015 so as to make the offence non-bailable.

4) Learned Additional Public Prosecutor opposed the same.

5) As seen from the record, on 18.02.2017 a case in Crime No.44 of 2017 came to be registered against the accused for the offences punishable under Sections 290 and 324 read with 34 IPC. Within three days thereafter i.e., on 21.02.2017 the informant is alleged to have been lodged a second report against the same accused, in the same police station, which came to be registered as crime No.49 of 2017 for the offence punishable under Section 3(1)(r)(s) of the S.Cs., and S.Ts., (POA) Amendment Act, 2015. The plea taken by the petitioner cannot be brushed aside at this stage.

6) Having regard to the circumstances of the case, the petitioner shall surrender before the concerned court within a period of ten days from today and on such surrender, the petitioner shall be released on bail on the same day on such terms and conditions as the said court deems fit and proper.

7) With the above direction, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Dt:06.03.2017

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