

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11481 OF 2017

ORDER:

This Criminal Petition, under Section 438 of Cr.P.C., is filed by the petitioner/A.3, seeking anticipatory bail in the event of his arrest in connection with F.I.R. No.208 of 2016, on the file of Thirumalayapalem Police Station, Khammam district, registered for the offences under Sections 417 and 420 I.P.C., Sections 3(1)(w)(i) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short, 'the Act of 1989'), 1989 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'the POSCO Act').

Heard the learned counsel for the petitioner/A.3, learned Additional Public Prosecutor appearing for the respondent-State, and perused the record.

Learned counsel for the petitioner would submit that the petitioner has not abused the *de-facto* complainant in the name of her caste; even there is no such mention anywhere in the investigation that the *de-facto* complainant was being abused by him in public view; therefore, Sections 3(1)(w)(i) and 3(1)(s) of the Act of 1989 have no application against the petitioner and ultimately prayed to allow this Petition.

Learned Additional Public Prosecutor appearing for the respondent-State opposed grant of bail to the petitioner/A.3.

As per the material on record, charge sheet is filed in this case; wherein there is a specific mention that the petitioner has abused the *de-facto* complainant along with A.1 and A.2 and hence they are liable for punishment under Sections 3(1)(w)(i) and 3(1)(s) of the Act of 1989. The

crime is registered as P.R.C. No.14 of 2017 wherein N.B.Ws. are issued against A.3. It is also brought to the notice of the Court that there are eye witnesses to the alleged occurrence. Under these circumstances it is not appropriate to uphold the allegation made against the petitioner/A.3 as false to enlarge him on bail under Section 438 Cr.P.C.

Hence, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

Date: 30.11.2017.
Dsh



HON'BLE Dr. JUSTICE SHAMEEM AKTHER

190



07122017

CRIMINAL PETITION No. 11481 OF 2017

Date. 30.11.2017

DSH