

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10792 of 2017

ORDER:

Heard learned counsel for the petitioners/accused and learned Additional Public Prosecutor for the respondent State, and perused the record.

This petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners/accused in Crime No.245 of 2017 of Paloncha Town Police Station, Khammam, for the offences punishable under Sections 290 and 307 IPC read with Section 34 IPC and Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the petitioners/accused would submit that on 08.06.2017, at 8.00 hours, husband of the de facto complainant went to the hotel of the petitioner/A.1 for breakfast. When there was delay in service of the breakfast, the husband of the de facto complainant caught hold of the petitioner/A.4 and outraged her modesty and created nuisance. Therefore, on the report lodged by A.4 on that day, a case in Crime No.244 of 2017 was registered by Paloncha Town Police Station, for the offences punishable under Sections 354, 290, 509 and 323 IPC. Thereafter, as a counterblast, the wife of the accused therein lodged a false report on 14.06.2017 alleging that the petitioners/accused beat and broken the leg of her husband

when there was delay in paying the bill of breakfast by her husband. The allegations are false. The police recorded the statements in respect of Crime No.244 of 2017 wherein the accusation against the husband of the de facto complainant was made out. There is no incident as put up in Crime No.245 of 2017 and there are no specific overt acts against any of the petitioners/accused and ultimately, prayed to grant bail to the petitioners/accused under Section 438 Cr.P.C.

Learned Additional Public Prosecutor opposed the grant of bail to the petitioners/accused stating that the petitioners/accused are absconding. The husband of the de facto complainant by name Banothu Kalu suffered grievous injury.

It is also contended by the learned counsel for the petitioners/accused that the husband of the de facto complainant and the petitioners are strangers and they do not know each other. The petitioners are roped for the offences alleged under Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

In the report lodged in Crime No.245 of 2017, there is a specific mention that the petitioners/accused beat the husband of the de facto complainant and caused fracture to his leg. The Additional Public Prosecutor has also produced a photostat copy of the wound certificate of the husband of the de facto complainant. It discloses that the victim suffered fracture of left thigh and he was hospitalized on 08.06.2017. Non-mention

of overt acts in the report lodged with the police cannot be a ground to enlarge the petitioners/accused on bail. In view of nature of accusations and gravity of offences, release of the petitioners under Section 438 Cr.P.C. would hinder the investigation. There is a possibility of winning over the witnesses. The accusation is under Sections 3(1)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Under these circumstances, it is not a fit case to grant bail to the petitioners/accused under Section 438 Cr.P.C.

The Criminal Petition is dismissed accordingly.

15th NOVEMBER, 2017.

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Dr. SHAMEEM AKTHER, J

