

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WEDNESDAY, THE TWENTY SECOND DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN
: PRESENT:

THE HON'BLE DR JUSTICE **SHAMEEM AKTHER**

CRIMINAL PETITION No. 11150 of 2017

Between:

1. Thota Srinivas, S/o. Komuraiah
2. Thota Vinayakumar, S/o. Kanaka Ramulu
3. Thota Venkateshwarlu, S/o. Kommalu

Petitioners
(Accused 1 to 3 in Cr.No.134/2017
of P.S. Hasanparthy)

AND

State of Telangana, rep. by P.P., High Court at Hyderabad for the State of Telangana
and State of Andhra Pradesh.

Respondent

Petition under Section 438 of Cr.P.C. praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to direct the Station House Officer, Hasanparthy Police Station, Warangal Urban District to release the petitioners on bail in the event of their arrest in connection with Cr.No. 134 of 2017 of Hasanparthy Police Station, Warangal Urban District (erstwhile Warangal District)

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Sri P.Prabhakar Reddy, Advocate for the Petitioners and of the Addl. Public Prosecutor (TG) for the Respondent, the Court made the following

ORDER:

“ Heard learned counsel for the petitioners/A.1 to A.3 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/A.1 and A.3 in Crime No.134 of 2017 of Hasanparthy Police Station, Warangal Urban District, for the offences punishable under Sections 447 and 427 IPC read with Section 34 IPC and Section 3(1)(g) of SC and ST (POA) Act.

Learned counsel for the petitioners/A.1 to A.3 would submit that there is no accusation in FIR with regard to the offence under Section 3(1)(g) of SC and ST (POA) Act. FIR was issued only for the offences punishable under Sections 447 and 427 IPC read with Section 34 IPC. The other proviso as stated above is added in this case. FIR was issued only for the offences punishable under Sections 447 and 427 IPC read with Section 34 IPC. There is no specific mention in the FIR that the de facto complainant was abused in the name of her caste. There are certain requirements to constitute the offence under Section 3(1)(g) of SC and ST (POA) Act. The same is not found in the FIR. Whether the offence falls under any of the provisions of Section 3(1)(g) of SC and ST (POA) Act or not can only be decided during trial.

Having regard to the nature of allegations and apprehension of the petitioners for their arrest, these petitioners can be enlarged on bail.

In the result, the Criminal Petition is allowed directing the petitioners/A.1 to A.3 to surrender before the Station House Officer, Hasanparthy Police Station, Warangal, within 15 days from the date of this order. On such surrender, the said Station House Officer shall enlarge the petitioners/A.1 to A.3 on bail on each of them executing a personal bond of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to his satisfaction. On such release, the petitioners/A.1 to A.3 shall abide by the conditions mentioned in Section 438(2) Cr.P.C. Further, they shall attend before the said Station House Officer on every Sunday between 9.00 and 10.00 a.m. till filing charge sheet.”

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

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To

1. The III Additional Judicial First Class Magistrate at Warangal.
2. The SHO, Hasanparthy Police Station, Warangal Urban District (erstwhile Warangal District)
3. Two CCs to the Public Prosecutor (TG), High Court, Hyd(OUT)
4. One CC to Sri P.Prabhakar Reddy, Advocate(OPUC)
5. One spare copy.

SAH



HIGH COURT

Dr.SAJ

DATED: 22-11-2017

ORDER

CRL.P.NO. 11150 OF 2017



ANTICIPATORY BAIL

**DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 23-11-2017**

HIGH COURT

Dr.SAJ



DATED: 22-11-2017

ORDER

CRL.P.NO. 11150 OF 2017

ANTICIPATORY BAIL