

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10732 of 2017

ORDER:

Heard learned counsel for the petitioners/A.1 to A.4 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 to A.4 in Crime No.734 of 2017 of Pendurthy Police Station, Visakhapatnam District, for the offences punishable under Sections 323 and 506(2) IPC read with Section 34 IPC and Section 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the petitioners/A.1 to A.4 would submit that no alleged incident took place. The entire prosecution case is false. In order to take vengeance, this report is lodged at the instance of one Ramulu, mason, whose services were terminated by the petitioner concerned. There are no abuses as alleged. The accusation is totally false. He relied on a decision reported in **Dandi Kondaiah and others v. State of Andhra**

Pradesh¹ exhibiting that this Court has power to grant bail in the circumstances of the case.

The learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A.1 to A.4.

As per the report lodged to the police dated 28.10.2017, there are specific allegations against the petitioners/A.1 to A.4 constituting an offence under the above provisions. There is no enabling provision to grant bail in the cases of this nature. Genuineness or otherwise of the report lodged with the police can be decided either in the course of investigation or after full-fledged trial. On the face of the record, it cannot be said that the allegations are false and this case is foisted in order to take vengeance, as contended by the learned counsel for the petitioners/A.1 to A.4. The decision rendered in the above-cited case is quite different from the circumstances of the case. Under these circumstances, it is not a fit case to grant anticipatory bail to the petitioners/A.1 to A.4.

In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

14th NOVEMBER, 2017.

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¹ 2017(1) ALT (CrI.) 401 (A.P.)