

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10516 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-accused for the offence alleged under Section 3 (1) (r) (s) of SC, ST (POA) Act, 2015.

2. Heard learned counsel for the petitioner-accused, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-accused would submit that no incident relating to the alleged abuse took place. The entire prosecution is false. This case is foisted at the instance of the Deputy Executive Engineer working in the same department, who has a strain relationship with the petitioner, Senior Assistant in the office of Sarvasiksha Abhiyan, SPSR Nellore. There is no intervention of any of the office bearers and there is no public view. Therefore, it is a fit case to grant bail to the petitioner under Section 438 Cr.P.C.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-accused.

5. As per the submission made by both sides, the de facto complainant-G.Srinivasulu owns a car bearing No.AP-26-PV-234 and it was given on hire to the Deputy Executive Engineer working in the office and in connection with payment of August, 2017 rent in respect of the said vehicle, he went to the petitioner and requested him to clear the bill for Rs.24,000/-. On that, the petitioner

abused the de facto complainant in the name of his caste and also stated how the car was engaged without his knowledge.

6. During the course of submissions, it is brought to the notice of this Court that there are direct witnesses of the commission of offence in this case. L.Ws. 4 to 7 who were examined in the course of investigation stated to the Investigating Officer about the commission of alleged offence. Under these circumstances, it cannot be said that no alleged incident took place as contended on behalf of the petitioner. Moreover, the allegations constitute offence under Section 3 (1) (r) (s) of SC, ST (POA) Act, 2015. The petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed.

DATED: 15-11-2017
Hsd

DR.SHAMEEM AKTHER, J

