

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10990 OF 2017

ORDER:

Heard learned counsel for the petitioners/A.1 and A.2 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 bail to the petitioners/A.1 and A.2 in Crime No.417 of 2017 of Kurnool IV Town Police Station, Kurnool District, for the offences punishable under Sections 323, 509 read with Section 34 IPC and Section 3(1)(r)(s) of SC & ST (POA) Act.

Learned counsel for the petitioners/A.1 and A.2 would submit that the petitioners are innocent persons. No incident took place on 10.09.2017. As a counterblast to the case registered against the de facto complainant in Crime No.417 of 2017, this case is foisted. The petitioners are Government servants and ultimately prayed to allow the petition.

Learned Additional Public Prosecutor opposed the grant of bail contending that there are specific allegations against the petitioners constituting the offence under the provisions of SC & ST (POA) Act.

As per the material placed on record, on 10.09.2017, the petitioners/A.1 and A.2 alleged to have abused the wife of de facto complainant in filthy language, in the name of caste. The filthy language said to have been used by the petitioners was recorded in their 161 Cr.P.C. statements. The victim was also taken to the hospital. Whether the alleged incident took place or not and whether the petitioners abused the wife of the de facto complainant

or not, cannot be decided in the petition of this nature. There are allegations against these petitioners constituting the offence under Section SC & ST (POA) Act. It cannot be said that the report is falsely lodged against these petitioners. It is not a fit case to grant bail to the petitioners.

In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

20th NOVEMBER, 2017.
ssp

