

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.12722 of 2017

ORDER:

The criminal petition is filed by the petitioners, under Section 438 of the Criminal Procedure Code, seeking to enlarge them on anticipatory bail, in connection with Cr.No.203 of 2017 on the file of Etcherla Police Station, Srikakulam District. The offences alleged are under Sections 353, 379 read with 34 of the Indian Penal Code and Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard both sides.

3. The counsel for the petitioners submits that the averments in the complaint do not get attracted by Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the petitioners are not aware of the community of the complainant, it is only he, according to the complaint, who revealed his community.

4. But leaving that apart, the allegations, which constitute the offence under Sections 353 and 379 IPC, are very clear. The petitioners were, allegedly, attempting to transport sand illegally. Hence, considering the nature of the offence, this Court opines that it is not a fit case for grant of anticipatory bail.

The criminal petition is dismissed. However, the petitioners are at liberty to move the Court below for grant of regular bail after surrendering themselves.

December 28, 2017
DSK

T. RAJANI, J