

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11821 OF 2017

ORDER:

Heard learned counsel for the petitioner/A.2, 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 petitioner/A.2 in Crime No.74 of 2017 of Kothuru Police Station, Kothuru, Srikakulam District, for the offence punishable under Section 3(1)(r)(s) of SC & ST (POA) Amendment Act, 2015.

Learned counsel for the petitioner would submit that the petitioner is falsely implicated in this case. Earlier, the husband of the petitioner lodged a report with the police. Based on that, a criminal case was registered against the de facto complainant and others. Thereafter, as a counterblast of that case, this case is foisted against the petitioner/A.2.

The material on record reveals that on 26.07.2017, evening at 6:30 hours, the petitioner alleged to have abused the de facto complainant in the name of his caste and there are eye witnesses to the alleged offence. The names of eye witnesses are mentioned in the FIR lodged with the police. The veracity of the allegations in the FIR cannot be held as false. There is a statutory bar to grant bail under Section 438 Cr.P.C. for the offences of this nature. Under these circumstances, the petitioner is not entitled for bail under Section 438 Cr.P.C.

Therefore, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

07th December, 2017.
ssp