

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11886 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner-A2, for grant of anticipatory bail in the event of his arrest in Crime No.204 of 2017 on the file of Bayyaram Police Station, Mahbubabad District, registered for the offences punishable under Sections 294(b), 323, 417 and 420 r/w 109 of I.P.C. and Sections 3(1)(s) & 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Heard the learned counsel for petitioner-A2, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner-A2 would submit that the petitioner acted as a caste elder in the marital dispute between A1 and *de facto* complainant. He further submits that the petitioner has not abused the *de facto* complainant in the name of caste and all the allegations made against him in the F.I.R. dated 28.10.2017 are false and ultimately the learned counsel prayed the Court to allow the present petition. Learned counsel for the petitioner relied upon the decision of this Court delivered in Crl.P.No.3452 of 2017 (Konidhana Ananda Sharma v. State of Andhra Pradesh), by order dated 22.06.2017.

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

5. In CrI.P.No.3452 of 2017, relied upon by the learned counsel for petitioner, the Investigation Officer accepted the sureties in terms of Section 41-A of Cr.P.C. The facts and circumstances of the case in CrI.P.No.3452 of 2017 are not similar to the present case; as such the cited decision is not applicable to the case on hand. There is specific allegation with regard to abusing the *de facto* complainant in public by the petitioner-A2 and there is statutory bar to grant bail under Section 438 Cr.P.C. for the above alleged offences.

6. In view of the allegations levelled against the petitioner-A-2 and in the facts and circumstances of the case, it is not a fit case to grant the anticipatory bail under Section 438 Cr.P.C.

7. Accordingly, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

11.12.2017
MVA