

The Hon'ble Dr. Justice Shameem Akther

Criminal Petition No.11928 of 2017

Order:

Heard learned Counsel for the petitioner/accused, learned Additional Public Prosecutor appearing for the respondent- State and perused the record.

This Criminal Petition, under Section 438 Cr.P.C., is filed by the petitioner/accused, seeking anticipatory bail in the event of his arrest in connection with Crime No.68 of 2017, on the file of the Station House Officer, Saravakota Police Station, Srikakulam District, registered for the offences punishable under Sections 448, 353, 506 and 341 IPC.

Learned Counsel for the petitioner submits that the petitioner is the President of a Tribal Organisation viz., Adivasi Sankshema Parishad; he made several representations to the Project Director as well as the Tribal Welfare Authorities to provide employment opportunities, to the tribals in the notified tribal areas, in the Schools run by the Tribal Welfare Department and other Public/Government Organisations; and as he questioned them for not providing employment to the tribals, so this case is foisted against him. The learned Counsel further submitted that as a matter of fact, the students gave a

letter to the Head Master of the School stating that they would boycott the classes till tribal teachers are appointed, but the Head Master suppressed the said fact, when the higher authorities visited the School and this false complaint was given against the petitioner and ultimately, pray to allow this Application.

The learned Additional Public Prosecutor for the respondent- State opposed for grant of bail to the petitioner/accused and contended that the petitioner highhandedly entered into the School and committed the above offences and ultimately, prayed to dismiss this Application.

The material on record reveals that on 25-10-2017, the petitioner forcibly entered into the Women Tribal Welfare Ashram Pathasala, Savarabonthu Village, deterred the teachers, wrongly restrained them from discharging their legitimate duties, created havoc in the minds of the teachers and the students and thereafter, sent away all the students out of the School for not providing CRT posts in ITDA to the people belonging to the ST community. A copy of the letter said to have been given by the students to the Head Master of the said School is filed before this Court. In the said letter, there is no mention of the period for which the students wanted to

boycott the classes. There is no date on the copy of letter. The petitioner has also filed some representations said to have given by him to the authorities concerned with regard to filling up of the posts in the notified tribal areas as per the regulations.

As seen from the entire material placed on record, there is specific allegation of the petitioner deterring the teachers and sending away the students from the school on 25-10-2017. There is no reason for the defacto complainant to lodge a false report against the petitioner. In view of the same, it cannot be said that a false case is foisted against the petitioner and that he is an innocent person. The matter requires thorough investigation; release of the petitioner on bail at this stage would hinder the investigation; and there is every possibility of his threatening and winning over the witnesses. Hence, this is not a fit case to grant bail to the petitioner under Section 438 Cr.P.C.

The Criminal Petition is, accordingly, dismissed.

(Dr.Shameem Akther, J)

Dated: 12-12-2017
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