

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND STATE OF ANDHRA PRADESH
WEDNESDAY THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND EIGHTEEN**

:PRESENT:

THE HON'BLE SMT JUSTICE T. RAJANI

CRIMINAL PETITION NO: 587 OF 2018

Between:

Vemula Raju, S/o Ramulu, Aged about 36 years, occ: Upa Sarpanch, R/o H.No. 7-2/1,
Chinthakunta Village, Kothalapur Mandal, Jagtial District.

Petitioner/Accused No.1

AND

The State of Telangana, rep. by its Public Prosecutor, High Court of Judicature at Hyderabad,
for the State of Telangana and the A.P., through Station House Officer, Kathalapur Police
Station, Jagtial District.

Respondent

Petition under Section 438 of Cr.P.C., praying that in the circumstances stated in the
petition and the grounds filed herein, the High Court may be pleased to enlarge the petitioners on
bail in the event of their arrest in connection with FIR. No. 4 of 2018 date 10-01-2018 on the file
of Kathalapur Police Station, Jagtial District, for offence under Section 324 IPC and Section 3 (i)
(c) (s) of SC and ST (POA) Act 2015;

Counsel for the Petitioner : SRI SYED KHADER MASTAN

Counsel for the Respondent : PUBLIC PROSECUTOR, (TS)

The Court made the following Order:

**“This petition is filed seeking for grant of anticipatory bail to the petitioner, who is
A1, in Crime No.4 of 2018 on the file of Kathalapur Police Station, Jagtial District. The
offences alleged are under Sections 324 r/w 34 IPC and Sections 3 (i) (c) (s) of SC/ST (POA)
Act, 2015.**

**2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the
respondent.**

**3. Counsel for the petitioner relied on the ruling of the Apex Court reported in *Gorige
Pentaiah vs State of Andhra Pradesh and others*¹ to overcome the bar laid down under
Section 18 of SC/ST Act, wherein the Supreme Court held that, in the complaint it has to
be mentioned that the accused do not belong to SC/ ST caste, which is an essential
ingredient to attract Section 3 of the Act.**

¹ 2008 (12) SCC 531

4. A perusal of the complaint herein shows that no such averment was made by the complainant. As regards Section 324 IPC, counsel for the petitioner submitted that there is no allegation against this petitioner and the followers of the petitioner were alleged to have committed such an offence. There is absolutely no whisper in the complaint that other accused, who are followers of the A1, to have beat the defacto complainant.

4. Hence, considering the said fact, this court opines that this is a fit case for granting anticipatory bail.

6. Accordingly, the Criminal Petition is allowed. The petitioner is directed to surrender before the Station House Officer, Kathalapur Police Station, Jagtial District, within 15 days from the date of this order. On such surrender, the petitioner shall be released on bail on his executing personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioner/ A1 shall abide by the conditions mentioned under Section 438(2) Cr.P.C. as under:

- i) The petitioner shall make himself available for interrogation by a police officer as and when required.
- ii) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) The petitioner shall not leave India without the previous permission of the Court.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.”

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Judicial First Class Magistrate, Korutla, Karimnagar District.
2. The Station House officer, Kathalapur Police Station, Jagtial District.
3. Two CCs to Public Prosecutor, (TS), High Court of Judicature, at Hyderabad (OUT)
4. one CC to Sri Syed Khader Mastan, Advocate (OPUC)
5. one Spare Copy

HIGH COURT

TR,J

DATE:31-1-2018

ORDER

CRL.P. NO. 587 OF 2018

DIRECTION

