

THE HON' BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.5519 of 2018

ORDER:

Heard the learned counsel for the petitioner-accused and the Additional Public Prosecutor. Perused the record.

2. This application is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioners-accused in crime No.18 of 2018 of Kakumanu police station, Guntur district registered for the offences under Sections 506, 341 read with Section 3 (1)(r) of the SCs and the STs (PoA) Act, 2015.

3. The learned counsel for the petitioner would submit that the report was lodged with the police with a delay of ten days. No alleged incident as mentioned in the report, took place. The entire case is foisted due to political reasons.

4. The Additional Public Prosecutor opposed the grant of bail sought by the petitioner, stating that there are specific allegations of application of provisions under Section 3(1)(r) of the SCs and the STs (PoA) Act, 2015, besides other penal provisions under the IPC.

5. As per the report lodged with the police dated 12.04.2018, there is mention that the *de facto* complainant belongs to Yanadhi caste (Scheduled Caste) and lives by doing agricultural coolie work. On 01.04.2018, Dalit Tejam programme was conducted in their village and the *de facto* complainant participated therein. Three days after the programme, the petitioner-accused, who belongs to

upper caste, alleged to have stopped the *de facto* complainant on road and abused him in the name of caste for participating in the Dalit Tejam programme. There is also specific mention of abusing the *de facto* complainant as “Yanadi na kodaka”. Further, there is also mention that the petitioner-accused threatened the *de facto* complainant to do away with his life and cause the disappearance of the dead body. There is also mention of the petitioner threatening the wife of the *de facto* complainant when she was passing on the road. In the circumstances, delay in lodging report with the police cannot be a ground for allowing the application under Section 438 IPC. It cannot be said that the report is lodged against the petitioner due to political rivalry. There are specific and grave allegations against the petitioner.

6. In view of the specific allegations against this petitioner-accused, he is not entitled for bail under Section 438 Cr.P.C. Hence, the Criminal Petition is dismissed. Miscellaneous Petitions pending, if any, in this Criminal Petition, shall stand dismissed.

DR. SHAMEEM AKTHER, J.

24.05.2018
DMG