

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6124 OF 2018

ORDER:

The petitioners are accused Nos.1 and 2 of Crime No.99 of 2018 of Station House Officer, Dharmasagar Police Station, Warangal District. The alleged occurrence was taken place between 02:30 PM to 04:00 PM of dated 07.05.2018 at the Tahsildar office of Dharmasagar Mandal. As per the *de facto* complainant, SC by Caste, what he stated is he sought from the Tahsildar under the Right to Information what are the properties assigned under the Act of 1977 and what are those under occupation by third parties and kept the same in mind, the accused persons who came to the Tahsildar office on seeing him, abused as, 'madiga lanja kodaka' and thereby to take action.

2. The accused persons also given a report about the occurrence mentioned instead at 04:00PM as after 02:30 PM as the *de facto* complainant herein as the fourth accused among four accused therein abused them filthy in the Tahsildar's office on seeing them when they came to the Tahsildar's office on some work and also beat them with hands. That crime was registered for the offences under Sections 293, 323 and 506 r/w 34 IPC. On 19.05.2018, the report received on 07.05.2018 at 05:00 PM by saying all the three are non-cognizable offences and the JFCM Warangal was addressed, who accorded permission and that was received only on 19.07.018 under Section 155 Cr.P.C. The present crime against the petitioners registered is for the offence under the Section 290 r/w 34 IPC and Section 3(1)(r) & (s) of SC ST (POA()) Act.

3. The contention of the counsel for the petitioners is that a false case is foisted by abusing the provisions of the Act as a counter blast to the abuse and attack on the petitioners herein by four persons and conveniently the *de facto* complainant, who was A4, did not even mention about the others.

4. The counsel for the petitioners, though placed reliance on the expression of the apex court in *Dr. Subhash Kashinath Mahajan Vs. State of Maharashtra*¹, that Anticipatory Bail also can be granted, this is not an exceptional case to consider but for to say from his entitlement to the bail, the Criminal Petition is disposed of directing the petitioners to surrender and seek regular bail before the Special Judge with affidavit of surrender and notice to the Public Prosecutor to consider on the same day. Needless to say, police, if at all to arrest, strictly follow Section 41A Cr.P.C. and as laid down in *Dr. Subhash's* case (supra) even the petitioners are private persons, the arrest to be made is only after obtaining the permission of the Senior Superintendent of Police.

5. With the above observations, the Criminal Petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed.

JUSTICE Dr. B. SIVA SANKARA RAO

July 16, 2018
LMV

¹ CRLA.No. 416 OF 2018 DATED 20-03-2018