

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION Nos.6137 and 6600 of 2018

COMMON ORDER:

The petitioners are A24, A26 to A28, and A30 respectively in both the petitions, outcome of Crime No 75 of 2018 of Bhogapuram P.S. of Vizianagaram District. The crime registered is for the offences punishable under Sections 148, 324, 435, 436, 427, 447, 114, 506(2) r/w 34 IPC and Sections 3(g),(r), & (s) and 3(2)(iii)(va) of the Schedule Caste, Schedule Tribe, (Prevention of Atrocities) Act, 1989. (for short, "the Act").

2. It is not the contention of the counsel for the petitioners that Section 3(2)(v) or (va) of the Special Act has no application from the fact that the offence under Section 506 clause II IPC and Section 324 IPC are covered by the schedule of the Special Act to attract that bar under Section 18 of the Act though the contention is for none of the petitioners Section 3(1)(g), (r), & (s) of the Special Act has no application.

3. Having regard to the above, there is otherwise bar for grant of anticipatory bail for not a case of exception to bring within the purview of the expression of the Apex Court in Dr.Subhash Kashinath Mahajan v. State of Maharashtra¹.

4. However, the fact remains that several of the accused persons were released by several bail orders in this crime petition, which are no doubt regular bails.

¹ 2018 (2) ALT 50 SC

5. Having regard to the above, these Criminal Petitions are disposed of giving liberty to the petitioners from their entitlement to the regular bails with reference to the above, to surrender before the learned Magistrate concerned; file bail applications with notice to the Special Public Prosecutor; and file affidavits of said surrender for the learned Special Court to hear and grant bail preferably on the same day with necessary conditions.

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

July 17, 2018
LMV



JUSTICE Dr. B. SIVA SANKARA RAO