

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6381 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioner in Crime No.75 of 2018 of Bhogapuram Police Station, Vizianagaram District, registered for the offences punishable under Sections 148, 324, 435, 436, 427, 447, 114, 506(2) r/w 34 IPC and Sections 3(1)(g),(r)&(s) and 3(2)(iii)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989. (for short, “the Act”).

2. It is not the contention of the learned counsel for the petitioner 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 is 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 accused persons 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**. However, the fact remains that several of the accused persons were released by several

¹ 2018 (2) ALT 50 SC

bail orders in this crime petition viz., CrI.P.Nos.6712 and 6717 of 2018, dated 05.07.2018, which are no doubt regular bails.

4. Having regard to the above, the criminal petition is disposed of giving liberty to the petitioner from his entitlement to the regular bail with reference to the above, to surrender before the learned Magistrate concerned; file bail application with notice to the Special Public Prosecutor; and file affidavit of said surrender for the learned Special Court to hear and grant bail preferably on the same day with necessary conditions.

Miscellaneous petitions pending, if any, shall stand closed.

18th July 2018.

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Dr. B. SIVA SANKARA RAO, J

