

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6584 of 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C. by the petitioners/ A1 to A4, seeking release in the event of their arrest in connection with Crime No.86 of 2018 of Kalloor Police Station, Khammam District, registered for the offences punishable under Sections 323, 354, 352, 504, 506 r/w 34 I.P.C. and Sections 3(1)(w)(i), 3(1)(r) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (for short 'the Act').

2. Heard learned counsel for the petitioners and learned Public Prosecutor representing the State and perused the F.I.R. in case and counter case covered by Crime No.85 of 2018 of even date earlier in point of time from the report of A1 herein as de facto complainant and the subsequent report at about 7.00 p.m. covered by the present crime No.86 of 2018 and the bail application averments and Part I Case Diary and the wound certificate of the de facto complainant showing from the alleged assault, swelling of hand allegedly about an hour back and weapon used is hand and injury is simple in nature. Time of examination is at 1.30 p.m., on 16.06.2018. So far as the report earlier in point of time of 1st petitioner/ A1 concerned, that was registered for the

offences punishable under Sections 143, 294-B, 324, 342, 355, 506 r/ w 149 I.P.C.

3. A perusal of both the reports in case and counter-case show there is an accidental death and there was settlement regarding payment of amount and the de facto complainant herein demanded the amount and there was the so called attack. Whereas, 1st petitioner/ A1's report shows the attack on him and threatened to kill and were beaten.

4. Though, *prima facie*, it is not an exceptional case because of the bar under Section 18 of the Act, there is nothing to show any public view from the very report, much less, with an intent to insult in use of words 'Iambadi Ianja'.

5. Having regard to the above, the Criminal Petition is disposed of, giving liberty to the petitioners to surrender and with affidavit of proof of surrender, move a regular bail with notice to the learned Public Prosecutor for the Special Court, to grant with necessary conditions.

6. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 11.07.2018

Note:

Issue C.C. tomorrow.

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