

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.6846 of 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1, A.2 & A.5, for grant of bail in Crime No.94 of 2018 of Konijerla Police Station, Khammam District, registered for the offences punishable under Sections 147, 447, 323, 324, 504, 307, 506 read with 149 of I.P.C. and Sections 3(1)(x) and 3(2)(Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard the learned counsel for the petitioners/A.1, A.2 & A.5, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioners/A.1, A.2 & A.5 would submit that there are civil disputes between the parties to the litigation. No alleged incident took place. The petitioners/A.1, A.2 & A.5 are falsely implicated in this case and ultimately prayed to enlarge the petitioners/A.1, A.2 & A.5 on bail.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A.1, A.2 & A.5 contending that the de-facto complainant suffered grievous and

simple injuries in the alleged incident, apart from being abused in the name of caste.

5. In view of the rival contentions of both the learned counsel, the point that arises for consideration in this Criminal Petition is whether the petitioners/A.1, A.2 & A.5 are entitled for bail.

6. It is evident from the record placed before this Court that on 09.05.2018 at 05:00 PM, the petitioners/A.1, A.2 & A.5, along with the other accused in this case, trespassed into the Mango garden situated at Venkatapuram revenue village, Pallipadu village outskirts of Konijerla Mandal, which is being supervised by the de-facto complainant, and abused the de-facto complainant as “lambadi lanjakodaka” and picked up a quarrel with him with regard to the ownership of the said Mango garden. Further, the petitioners/A.1, A.2 & A.5, along with the other accused, threatened the de-facto complainant that it was his last day and if they kill him, nobody would come to the Mango garden again. Thereafter, the petitioners/A.1, A.2 & A.5, along with the other accused, beat the de-facto complainant and caused grievous and simple injuries. Thereafter, the de-facto complainant was admitted in the hospital. On the next day, i.e., on 10.05.2018, a report was lodged with the police by the de-facto complainant and a case was registered and is under investigation.

7. There are specific and grave allegations against the petitioners/A.1, A.2 & A.5. The de-facto complainant sustained

grievous injuries, i.e., a fracture to his elbow in the alleged incident. There is also specific mention in the report lodged with the police that the petitioners/A.1, A.2 & A.5 abused the de-facto complainant in the name of caste. The allegations are grave in nature and the punishment prescribed for the alleged offences is severe. Release of the petitioners/A.1, A.2 & A.5 on bail would hinder the investigation. Further, there is a bar to grant bail for the offences alleged under the SCs & the STs (PoA) Act. It is not a fit case to allow this application.

8. Accordingly, the Criminal Petition dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

10th July, 2018
Bvv

