

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION Nos.7507, 7533, 7628 and 7634 of 2018

COMMON ORDER :

The petitioners are A.1, A.3, A.4, A.5, A.6, A.8, A.11, A.12, A.14, A.15, A.16, A.18, A.19 and A.23 respectively in all bail petitions, outcome of Crime No 75 of 2018 of Bhogapuram Police Station 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 Maharashtra**¹. 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, 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.

Miscellaneous petitions pending, if any, shall stand closed.

6th August 2018.

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Dr. B. SIVA SANKARA RAO, J

