

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.8080 OF 2018

ORDER:

The petitioner is A9 in Crime No.75 of 2018 of Bhogapuram Police Station, Vizianagaram District. The crime is 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 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, “the Act”).

2. It is not the contention of the learned counsel for petitioner that Section 3(2)(v) or (va) of the Special Act has no application from the fact that the offence under Section 506 sub-clause (2) 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 the petitioner 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 accused persons in this crime were released by several bail orders viz., CrI.P.Nos.6712 & 6717 of 2018 dated 05.07.2018, which are no doubt regular bails.

¹ 2018 (2) ALT 50 SC

4. Having regard to the above, this 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.

16.08.2018
MVA



Dr. B. SIVA SANKARA RAO, J