

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.8324 OF 2018

ORDER:

Among the petitioners A2 to A6, leave about A1 was already arrested and granted regular bail by order of the learned Special Sessions Judge for trial of cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act-cum-VII Additional District & Sessions Judge, Rangareddy District at L.B.Nagar, dated 30.07.2018 in CrI.M.P.No.354 of 2018, A5 & A6 (brothers of A1) were also stated arrested during pendency of this anticipatory bail application and thereby not pressed and dismissed for remedy is to seek regular bail for A5 & A6, the anticipatory bail application is now thus confined to A2 (son of A1), A3 (daughter of A1) and A4 (wife of A1). On 10.07.2018, the Saroornagar Police, Rachakonda Commissionerate, Rangareddy District, registered the crime for the offences punishable under Sections 376, 323, 342, 370, 384 & 506 IPC and Sections 3(2)(v) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, “the Act”) which is based on the report of the *de facto* complainant (LW-11). According to her said report, she is aged 29 years and SC-Mala by caste and spinster, resident of Saroornagar, Hyderabad and complained that the accused persons are harassing her physically and mentally for the past seven years in forcing her to do the business of prostitution by confined in Flat No.G2, Abhijith Residency, Road No.3, Venkateshwara Colony, Saroornagar by threatened her to kill

having wrongfully confined, and A1 used her physically and allowed other people to do so by beating her for her refusal with the support of his brothers A5 & A6 and his wife, son and daughter A2 to A4. It is also her allegation of A2 also invited her for sex and on her refusal beat her under intoxicated stage and she left the house by raising hue and cry. However, her jewellery was forcibly taken away by A1 & A2.

2. In fact, the crime registered is subsequent to the filing of W.P.No.25398 of 2018 for the relief of Habeas Corpus alleging wrongfully detained by the Saroornagar Police. The alleged wrongful detention is of A1, A2 & A4. The Saroornagar Police represented therein of the present crime registered for the offences supra and under Section 6 of the Immoral Traffic (Prevention) Act, 1956 and arrested A1 on 21.07.2018 at Amaravathi, Maharashtra State and produced before the learned XI Metropolitan Magistrate, Rangareddy District, who is in judicial custody, and they never arrested to detain the other alleged accused; by recording the same said Writ Petition was disposed of as infructuous by order dated 24.07.2018. The *de facto* complainant in fact given a letter to the Commissioner of Police dated NIL stating that the above complaint given by her because of earlier serious ill-feelings between the accused persons and herself and out of anger and frustration and from depression to threaten A1 mainly and not intended to, otherwise harass by implicating in the case in particular, and that the well-wishers and elders of the locality

settled the issues between them, thereby she is withdrawing the same with a request to drop the crime proceedings. The same was referred including from the presence of said *de facto* complainant in grant of regular bail to A1.

3. However, said withdrawal cannot be taken as what was stated in the report is false perse, leave apart there are non-compoundable offences and it is not a case of any quash petition filed and allowed in this Court. Once such is the case, there is a bar for anticipatory bail, particularly with reference to Sections 3(2)(v) and 3(2)(va) of the Act.

4. Having regard to the above, rather than dismissal this Criminal Petition is disposed of giving liberty to the petitioners-A2 to A4 to surrender before the learned Special Judge concerned and move for regular bail for the learned Special Judge to consider the same on the lines of concession availed by A1. So far as the petitioners-A5 & A6 are concerned, this Criminal Petition is dismissed as not pressed.

21.08.2018
MVA

Dr. B. SIVA SANKARA RAO, J