

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8554 of 2018

ORDER:

This criminal petition is filed under Section 438 Cr.P.C. by the petitioner/ accused, seeking release in the event of his arrest in connection with Crime No.145 of 2018 on the file of Obulavaripalli Police Station, YSR Kadapa District, registered for the offences punishable under Sections 324 and 506 I.P.C. and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016 (for short 'the Act').

2. Heard learned counsel for the petitioner and learned Special Assistant Public Prosecutor representing the State and perused the FIR, bail application averments and Case Diary.

3. No doubt, as pointed out by the learned Public Prosecutor, a perusal of the report as a whole indicates there is a public view of the alleged abuse and further there is a wound certificate regarding the injury alleged caused with stick, for which Section 324 IPC also mentioned in registration of the crime.

4. Having regard to the above, this is not even an exceptional case to follow the expression of the Apex Court in Dr. Subhash Kashinath Mahajan v. State of Maharashtra¹ against the bar under Section 18 of the Act.

5. Accordingly, the Criminal Petition is dismissed. However, there is no bar for surrender of the petitioner and move for regular bail to consider.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date:24.08.2018
pab

¹ 2018 (2) ALT 50 SC