

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.9840 OF 2018

ORDER:

The petitioner is the accused in Crime No.88 of 2018 on the file of Thoguta Police Station, Siddipet District. The crime is registered on 10.09.2018 for the offences punishable under Sections 324, 504 IPC and Section 3(1)(s)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016 (for short, “the Act”).

2. Heard the learned counsel for petitioner and the learned Additional Public Prosecutor representing the State of Telangana in opposing the same and perused the F.I.R, the bail application averments and Part I case diary.

3. The Wound Certificate of *de facto* complainant shows he was treated as out patient and sustained four simple injuries viz., (i) laceration over the left wrist of 2 x 1 cm (simple) (ii) small abrasion over the left wrist of 1 x 0.5 cm (simple) (iii) swelling over the back left side (simple) (iv) swelling over the left elbow (simple), but for laceration over the left wrist of 2 x 1 cm and the others are small abrasion and two swellings.

4. No doubt as pointed out by the learned counsel for the petitioner that it is highly unbelievable of any attack with the axe alleged in the report causes any of the injuries even taken the offence

under Section 324 IPC therefrom is doubtful. Once there is from the reading of report, in public view there is an abuse insulting by touching the caste, there is a bar under Section 18 of the Act for anticipatory bail.

5. Having regard to the above, for same is not an exception, this Criminal Petition can be dismissed. However, for none of the offences are punishable above seven years, the petitioner is entitled to the protection of Section 41-A Cr.P.C. and the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

Accordingly, this Criminal Petition is disposed of and liberty is left open to the petitioner to surrender if at all chooses and move for regular bail before the learned Special Judge concerned.



Dr. B. SIVA SANKARA RAO, J

24.09.2018

Note: Issue C.C. by 25.09.2018
(B/O)
MVA

¹ (2014) 8 SCC 273