

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.9896 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.151 of 2018 on the file of Kerameri Police Station, Asifabad District, registered for the offences punishable under Sections 294(b), 323, 506(i) I.P.C. and 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act').

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

3. The above crime is registered on the report of the de facto complainant dated 29.08.2018 for the alleged occurrence on the previous day evening at 6.00 p.m. A perusal of the very FIR shows there is a public view in abusing, insulting touching the caste under Section 3(1)(r)(s) of the Act and attracting of Section 3(2)(va) of the Act but for the offence under Section 323 IPC, it is not a case of ingredients will not attract even taken the application if not maintainable under Section 438 Cr.P.C. atleast 482 Cr.P.C.

4. Having regard to the above, the petitioner is not entitled to the concession of anticipatory bail from the statutory bar. However, as none of the offences are punishable above seven years, if at all any arrest of the petitioner is required, the police

strictly have to follow Section 41-A Cr.P.C. and the guidelines of the Apex Court as laid down in Arnesh Kumar v. State of Bihar¹.

5. Accordingly, the Criminal Petition is disposed of.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date:26.09.2018
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¹ (2014 (2) ALT (GrI.) 457 SC)