

HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9991 of 2018

ORDER:

The petitioners are accused Nos.1 to 3 in crime No.53 of 2018 of Adoni Taluq Police Station, Kurnool District, registered for the offences punishable under Sections 323, 355 r/w 34 IPC and Sections 3(1)(r)&(s) of SC & ST (POA) Amended Act (for short 'the Act'). They are seeking anticipatory bail.

Heard learned counsel for the petitioners and learned Public Prosecutor representing the State and perused the FIR, bail application averments and the part-I case diary.

So far as the bail application averments concerned, they are innocent and falsely implicated and it is nothing but a counter blast to the report given by the daughter of the 1st petitioner to the Superintendent of Police in anticipation of false implication.

In fact a perusal of the FIR on its face value, it attracts the offences under Sections 3(1)(r)&(s) of the Amended Act and Sections 323, 355 IPC.

Having regard to the above, leave about the amended provision under Section 18-A of the Amended Act 2018 may not be a bar to consider the application under Section 482 Cr.P.C. as held by this Court in detail in **K.Srinivas @ Sivaswamy Vs. State of Andhra Pradesh rep. by its Public Prosecutor** in CrI.P.No.9119 of 2018 dated 31.08.2018.

Once on the face value of the FIR the ingredients attracts there is a bar and otherwise the old settled expressions for grant of anticipatory bail under Section 18 of the Act.

Taking into consideration of these facts, this Criminal Petition is disposed of by giving liberty to the petitioners to move the learned Special Judge with regular bail application by surrender and with notice to the learned Special Public Prosecutor, for its considering in granting with reasonable conditions.

Miscellaneous petitions, if any, shall stand closed.

Date: 26.09.2018
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Dr. B. SIVA SANKARA RAO, J

