

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11265 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A-4 and A-5, for grant of anticipatory bail in the event of their arrest in Crime No.160 of 2018 of B.Kodur Police Station, Y.S.R. District, registered for the offences punishable under Sections 352, 355, 341, 436, 427, 506 and 509 read with 34 I.P.C., and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Heard the learned counsel for the petitioners/A-4 and A-5, the learned Additional Public Prosecutor representing the respondent/State and perused the record.

3. Learned counsel for the petitioners/A-4 and A-5 would contend that the petitioners/A-4 and A-5 are innocent persons and no alleged incident took place as projected in the report given to the police on 05.10.2018 by the *de facto* complainant – Gundlakunta Mariyamma; that son of the *de facto* complainant was neither tied to a pole, beaten with a chappal nor abused by the petitioners/A-4 and A-5 in the name of his caste; that the case of the prosecution is totally false; that when the son of the *de facto* complainant ill-treated the daughter of petitioner/A-5, a complaint was lodged and a case in Crime No.159 of 2018 was registered for the offences under Sections 341, 354 A and 506 read with 34 I.P.C. and Section 8 of the Protection of Children from Sexual Offences Act, 2012; that as the petitioners/A-4 and A-5 lodged the above

complaint, they are falsely implicated in the subject crime and ultimately, prayed to allow this application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of anticipatory bail to the petitioners/A-4 and A-5 and contended that there are specific allegations against the petitioners/A-4 and A-5 constituting the offences mentioned above; that the petitioners/A-4 and A-5 physically participated in bringing the son of the *de facto* complainant, tying him to a pole in their village, beating him with chappal and abusing him in the name of his caste and ultimately, prayed to dismiss this application.

5. As per the material placed on record, altogether seven witnesses were examined and all of them supported the case of the *de facto* complainant. There is specific material against the petitioners/A-4 and A-5 that they along with other accused in this case brought son of the *de facto* complainant, tied him to a pole, beat with chappals and abused him in the name of caste in public and also threatened him with dire consequences. There is a statutory bar for granting bail for the offences punishable under Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The other allegations against the petitioners/A-4 and A-5 are also grave. Therefore, it cannot be said that no offence is made out against the petitioners/A-4 and A-5 for the offences alleged for which the subject crime is registered. It is not a fit case to allow this application under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

7. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 01.11.2018
AMD



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