

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.11947 of 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of anticipatory bail in Crime No.738 of 2018 of Medipalli Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 324, 506 read with 34 of I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Heard the learned counsel for the petitioner/A.1, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/A.1 would contend that the de-facto complainant is in habit of lodging false reports with the police. On earlier occasions also, he lodged a false report with the police against the petitioner/A.1 and the said criminal case ended in acquittal. No alleged incident took place. The petitioner/A.1 is an innocent person and falsely implicated in this case and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent-State opposed for grant of bail to the petitioner/A.1.

5. A perusal of the report lodged by the de-facto complainant with the police on 25.09.2018 against the petitioner/A.1 reveals

that on 24.09.2018 at about 10:00 PM, the petitioner/A.1, along with others, alleged to have abused the de-facto complainant in the name of caste at Surender Nagar Colony, Narapally Village, Ghatkesar Mandal. The de-facto complainant left the scene of offence on that night. Again on 25.09.2018 at about 09:30 AM, when the de-facto complainant was having tea at Villa Bakery, the petitioner/A.1, along with some other persons, picked up a quarrel with the de-facto complainant, abused him in the name of caste and also caused bleeding injuries on different parts of the body. The learned counsel for the petitioner/A.1 also submits that there is medical record to substantiate that the de-facto complainant suffered three injuries in the alleged incident. Under these circumstances, it cannot be held that the petitioner/A.1 is falsely implicated in this case and the de-facto complainant was not abused in the name of caste constituting offences punishable under Sections 324, 506 read with 34 of I.P.C. and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The gravity of the alleged offence is high. Further, there is statutory bar to grant bail to the petitioner/A.1 for the alleged offences. For these reasons, the Criminal Petition does not merit consideration.

6. Hence, the Criminal Petition is dismissed.

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

Dr. SHAMEEM AKTHER, J

16th November, 2018
Bvv