

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.12410 of 2018

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C., to grant anticipatory bail to the petitioner/A1 in Crime No.145 of 2018 of Palakol Rural Police Station, West Godavari District, registered for the offences punishable under Sections 342, 323, 306 read with Section 34 IPC and under Sections 3(1)(r)(s), Sec.3(2)(v) of SCs & STs (POA) Amendment Act, 2015 (for short 'the Act').

2. Heard learned counsel for petitioner/A1 and the learned Public Prosecutor appearing for the respondent-State.

3. The petitioner, who is a police constable, abused the deceased in the name of his caste, tied him to a cement pole and beat him on the ground that the deceased dashed against his motorcycle.

4. Learned counsel for the petitioner submits that since the deceased mentioned in the suicide note that he prayed Jesus, he has to be considered as a Christian and not a scheduled caste person and hence, the offences under the Act do not attract. Merely because a person prays Jesus, he cannot be considered as a Christian and not a scheduled caste person. Even, persons from scheduled caste pray to Jesus.

5. Learned counsel for the petitioner further submits that the offence did not occur in a public place, within public view.

6. The contents of the complaint would reveal that the incident occurred in a public place, where the public could view the incident.

The other contention that the circumstances which lead to the suicide cannot be considered as an abetment, cannot be considered, as the complaint reveals that the deceased was sufficiently harassed and tortured, which, in all probability, might be the reason for the deceased to commit suicide.

7. Hence, in view of the above, this Court opines that anticipatory bail cannot be granted in view of the bar under Section 18 of the Act.

8. Hence, the Criminal Petition is dismissed. Miscellaneous applications, if any pending in this criminal petition, shall stand dismissed.

3rd December, 2018

sj



T. RAJANI, J