

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13105 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.2 to A.5, A.7 and A.9 to A.12, for grant of bail in Crime No.224 of 2018 of Vizianagaram Rural Police Station, Vizianagaram District, registered for the offences punishable under Sections 324, 323, 147 and 427 read with 149 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (for short 'the Act').

2. Heard the learned counsel for the petitioners/A.2 to A.5, A.7 and A.9 to A.12 and Sri Posani Venkateswarlu, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioners would submit that the petitioner/A.2 is a practicing lawyer. The petitioners/A.3 and A.5 are Engineering Students. The petitioner/A.7 is a BSNL employee. All the petitioners are falsely implicated in this case and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioners and contended that there is a bar to grant anticipatory bail for the alleged offences under Sections 3(1)(r), 3(1)(s), 3(2)(v) and 3(2)(va) of the Act and ultimately, prayed to dismiss the petition.

5. As per the record placed before this Court, there are allegations constituting offences under Sections 3(1)(r), 3(1)(s), 3(2)(v) and

3(2)(va) of the Act apart from other allegations. It is not desirable to exercise jurisdiction under Section 438 Cr.P.C. as there is a bar for grant of anticipatory bail in a case registered for the offences alleged against the petitioners under the Special Act. Under these circumstances, the petitioners/A.2 to A.5, A.7 and A.9 to A.12 are directed to surrender before the Court having jurisdiction and file an application for regular bail. On filing such an application, the Sessions Court is required to dispose of the same on merits and in accordance with law.

6. Accordingly, the Criminal Petition is disposed of.

Date: 13.12.2018
ssp

DR. SHAMEEM AKTHER, J

