

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13108 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 to A.9, for grant of bail in Crime No.186 of 2018 of Kandukuru Town Police Station, Prakasam District, registered for the offences punishable under Sections 447, 341, 352 and 506 read with 34 of IPC and Sections 3(1)(g)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (PoA) Amendment Act, 2015 (for short 'the Act').

2. Heard the learned counsel for the petitioners/A.1 to A.9 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 due to land dispute, the petitioners are falsely implicated in this case and the allegations made in the FIR are false 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)(g)(r)(s) 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 specific allegations constituting offences under Sections 3(1)(g)(r)(s) 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 under the Special Act. Under these circumstances, the

petitioners/A.1 to A.9 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.

DR. SHAMEEM AKTHER, J

Date: 13.12.2018
ssp

