

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

TUESDAY , THE SECOND DAY OF JANUARY
TWO THOUSAND AND EIGHTEEN

:PRESENT:

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRLP .NO:12477 of 2017

Between:

Peddi Satyanarayana S/o. P. Rajesham

..... Petitioner(s)

AND

The State of Telangana Through Police Station, Balanagar,
Ranga Reddy District, Rep. by its Public Prosecutor, High Court of
Judicature at Hyderabad, For the State of Telangana & A.P.

.....Respondent(s)

Petition under Section 438 of Cr.P.C praying that the
High Court may be pleased to enlarge the petitioner on bail in FIR
in Crime No. 100/2011 dt : 05.03.2011 on the file of P.S.,
Balanagar, Cyberabad in the event of his arrest in the above
Crime..

The petition coming on for hearing, upon perusing
the Petition and the memorandum of grounds filed in support
thereof and upon hearing the arguments of SRI VENKATESHWAR
VARANASI Advocate for the Petitioner, The Public Prosecutor for
the Respondent and the Court made the following.

ORDER

This Criminal Petition is filed under Section 438
Cr.P.C. to grant anticipatory bail to the petitioner-accused
in crime No.100 of 2011 of Balanagar police station,
Cyberabad registered for the offences punishable under
Section 3 (1) (x) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, 1989.

2. Heard learned counsel for the petitioner-
accused, the learned Additional Public Prosecutor
representing the State and perused the record.

3. Learned counsel for the petitioner-accused
would submit that the petitioner-accused is falsely
implicated in this case; that in fact, the defacto
complainant abused the petitioner-accused, for which he
lodged report with police concerned immediately on that
day, but police did not take any action thereon; that the

petitioner-accused did not abuse the defacto complainant and his wife, and ultimately, he prays to allow the Criminal Petition.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner-accused.

5. The material on record reveals that one D.Narsimha lodged a report before police on 05.03.2011 alleging that at about 10.00 PM on 04.03.2011, the petitioner-accused celebrated birthday of his grand daughter at Soubhagyanagar Society Office building, and on 05.03.2011 at about 8.00 AM, there was a lot of garbage in the building, so, the defacto complainant, who was Sweeper, asked the petitioner-accused to pay him Rs.20/- for tiffin, and on that, the petitioner-accused abused the defacto complainant and his wife in the name of caste. On these allegations, the case is registered and under investigation.

6. As per the First Information Report, the offence allegedly took place on 05.03.2011 at about 8.00 AM. There is no mention of eye-witnesses in the report. As per the report dated 05.03.2011, the offence is alleged to have taken place in Soubhagyanagar Society Office building. There is no specific mention of abusing in the name of caste in public view. Whether the allegations constitute the offence punishable under Section 3 (1) (x) of the Act, 1989 or not, can only be determined after due trial. It cannot be said that there is no false implication in this case for the offence punishable under Section 3 (1) (x) of the Act, 1989. Having regard to the nature of allegations and investigation conducted so far, the petitioner can be enlarged on bail under Section 438 Cr.P.C.

7. In the result, the petitioner is directed to surrender before the Station House Officer, Balanagar Police Station within 15 days from the date of this order. On such surrender, the said S.H.O. shall release the petitioner-accused on bail, on the petitioner-accused executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for the like sum to his satisfaction. On release, the petitioner-accused shall abide by the conditions mentioned under Section 438 (2) Cr.P.C. He shall co-operate with the Investigating Officer. He shall report before the S.H.O. concerned on every Saturday between 10.00 AM and 11.00 AM for a period of three months from today or till filing of charge sheet in the case, whichever is earlier.

8. The Criminal Petition is, accordingly, allowed.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The IXth Metropolitan Magistrate, Kukatpally at Cyberabad
2. The Station House Officer, Balanagar Police Station, Cyberabad
3. One CC to SRI VENKATESHWAR VARANASI, Advocate (OPUC)
4. Two CC's to Public Prosecutor, High Court of Judicature at Hyderabad (OUT)
5. One Spare copy

Avs

HIGH COURT

Dr SAJ

DATED: 02.01.2018

ORDER

CRLP NO. 12477 OF 2017



BAIL

Avs
Dated: 04.01.2018

HIGH COURT

Dr SAJ

DATED: 02.01.2018



ORDER

CRLP NO. 12477 OF 2017

BAIL