

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.1588 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.3 & A.6, for grant of anticipatory bail in Crime No.1419 of 2018 of L.B.Nagar Law and Order Police Station, Rachakonda Commissionerate, registered for the offences punishable under Sections 323, 506 read with 34 of IPC and Section 3(1)(r)(s) and 3(1)(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short, 'SCs & STs Act').

2. Heard the learned counsel for the petitioners/A.3 & A.6, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioners/A.3 & A.6 would submit that due to political differences, these petitioners/A.3 & A.6 are implicated in this case. There is no incident as alleged in the First Information Report and ultimately prayed to allow the application.

4. The learned Additional Public Prosecutor opposed for grant of bail to the petitioners/A.3 & A.6.

5. Altogether, there are six direct witnesses and also the victim demonstrating that on 08.12.2018, the victim was beaten and abused in the name of caste. The abuses and the beatings

took place on the eve of general elections to the State Assembly during the year 2018. All the direct witnesses have supported the case of the prosecution. There is a bar under the SCs & STs Act to grant bail to the accused under Section 438 of Cr.P.C. At this stage, it cannot be held that the subject report, dated 08.12.2018, is politically motivated. The allegations are grave. Investigation is in progress. Further, in view of the bar under the SCs & STs Act to grant bail to the accused under Section 438 of Cr.P.C., it is not a fit case to grant bail to the petitioners/A.3 & A.6 under Section 438 of Cr.P.C.

6. Hence, the Criminal Petition is dismissed.

Pending Miscellaneous Petitions, if any, shall stand closed.

27th March, 2019
Bvv

Dr. SHAMEEM AKTHER, J