

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

Crl.P.No.2580 of 2019

ORDER:

This petition is filed under Section 438 of the Criminal Procedure Code seeking grant of anticipatory bail to the petitioner, who is accused in Cr.No.214 of 2019 on the file of Jawaharnagar Police Station, Hyderabad, registered for the offences punishable under Sections 3(1) (r) and (t) of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'the Act') and 427 IPC.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent.

3. It has been contended by the petitioner that he is working as Assistant Medical Health Officer and he has been falsely implicated in the above said crime and he is not guilty of the aforesaid offences. Some of the residents of Jawaharnagar have unauthorizedly installed the statue of Dr.Ambedkar and the G.H.M.C. has taken appropriate action for removing the said statue, as it was installed without obtaining prior permission from the competent authority.

4. The 2nd respondent has filed a false complaint against the petitioner contending that on the instructions of the petitioner the statue of Dr.Ambedkar was broken and it was transported along with garbage and thrown in dumping yard. Thereby, appropriate action be initiated against the petitioner.

5. Learned counsel for petitioner has contended that since there is a bar from seeking anticipatory bail under the Act, the petitioner has filed the present application seeking grant of

anticipatory bail by treating it as exceptional case, as nowhere in the FIR it has been alleged that the petitioner is responsible for removing the statue of Dr.Ambedkar and transporting the damaged statue along with garbage.

6. Learned Public Prosecutor has contended that the allegations levelled against the petitioner constitute the offence punishable under Section 3(1) (r) and (t) of the Act and there is a bar under the Act from seeking anticipatory bail. Therefore, the request of the petitioner for grant of anticipatory bail cannot be considered.

7. This Court, having considered the rival submissions, is of the considered view that since there is a bar from seeking anticipatory bail under the Act, the petitioner is not entitled for grant of anticipatory bail, as *prima facie* there are allegations with regard to disturbing the statue of Dr.Ambedkar and dumping the same along with garbage. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. However, the 1st respondent is directed to strictly follow Section 41 Cr.P.C. and also the guidelines laid down in *Arnesh Kumar v. State of Bihar and Another*¹ before taking any steps against the petitioner.

8. With the above observations, the Criminal Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVIL

Date : 08-05-2019
Prv

¹ AIR 2014 (8) SCC 273