

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 6847 OF 2021

Between:

Kola Janakamma, W/o Mallalah, Age 50 years, Occ Agriculture, r/o Amanagal village,
Vemulapally Mandal, Nalgonda District.

...PETITIONER/ACCUSED No.3

AND

The State of Telangana, Rep by its Public Prosecutor, High Court of Telangana
Hyderabad

...RESPONDENT

Petition under Section 438 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioner on Anticipatory bail in the event of arrest in connection with the Crime No.79 of 2021 on the file of Vemulapally Police Station, Nalgonda District for the offences u/s 307, 341, 506, 509 r/w sec 34 IPC and Sec 3(1)(r)(s), Sec 3(2) (Va) of SC/ST (POA) Amendment Act-2015 in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Smt. T. Pushpa Rani, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent.

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.6847 OF 2021

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A3, for grant of anticipatory bail in Crime No.79 of 2021 of Vemulapally Police Station, Nalgonda District, registered for the offences punishable under Sections 307, 341, 506 and 509 read with 34 of I.P.C. and Sections 3(1)(r)(s) and 3(2)(Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short, 'the Act').

2. Heard the learned counsel for the petitioner/A3, the learned Assistant Public Prosecutor appearing for the respondent/State and perused the record.

3. Learned counsel for the petitioner/A3 would submit that the petitioner/A3 is the mother of A1. She is falsely implicated in the subject crime. She did not play any role in the commission of the alleged offences. She did not make any abuse in the name of Caste of the *de facto* complainant, as alleged. The entire case of the prosecution is utterly false and ultimately, prayed to allow the Criminal Petition, as prayed for.

4. On the other hand, the learned Assistant Public Prosecutor opposed the grant of anticipatory bail to the petitioner/A3 and contended that the petitioner/A3 also abused the *de facto* complainant in the name of her Caste, besides sprinkling chilly powder on her. Further, the petitioner/A3 is not entitled to

anticipatory bail in view of the bar contained under the provisions of the Act.

5. As seen from the material placed on record, some of the accused caused severe injuries to the victims. There are specific allegations against the petitioner/A3 that she along with A4 sprinkled chilly powder on LW.1/*de facto* complainant and abused LW.1 and LW.12 in the name of their Caste. The investigation conducted by the police substantiates the said allegations. Since the petitioner/A3 is being prosecuted for the offences under Sections 3(1)(r)(s) and 3(2)(Va) of the Act, in view of the bar contained under the Act, the petitioner/A3 is not entitled to grant of anticipatory bail under Section 438 Cr.P.C. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

//TRUE COPY//

SD/-T.TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Station House Officer, Vemulapally Police Station, Nalgonda District.
2. One CC to Smt. T. Pushpa Rani, Advocate [OPUC]
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies
5. One Spare Copy

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HIGH COURT

DATED: 09/09/2021



ORDER

CRLP.No.6847 of 2021

DISMISSING THE CRIMINAL PETITION

ATM (7)
23/9/2021