

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.680 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.1 in Crime No.1696 of 2021 on the file of L.B.Nagar Police Station, Rachakonda, registered for the offences punishable under Sections 498-A, 323, 504 read with 34 IPC and under Sections 3(1)(r)(s) and 3(2)(Va) of Scs & STs (POA) Amendment Act, seeking bail.

2. The case of prosecution is that A1, at the instigation of his parents A2 and A3, used to harass the de-facto complainant physically and mentally by demanding additional dowry and he used to beat her by abusing in filthy language in the name of her caste and A1 also threatened with dire consequences.

3. Learned counsel for petitioner Mr. R. Sushanth Reddy, submits that with all bald allegations, the report was given to the police and basing on that, the crime is registered. He submits that the petitioner was arrested and remanded to judicial custody on 07.01.2022 and from the last 25 days, he is languishing in jail. Learned counsel submits that even in the remand report, it is stated that the de-facto complainant married the petitioner in the year 2015 and on 16.02.2016, she blessed with a son and before that, the petitioner has abused her in the name of caste and that there are no specific overt acts in the entire complaint and only omnibus allegations are made against the petitioner. Learned counsel further submitted that the provisions of SCs & STs (POA) Act are not attracted as it is not stated that whether such an abuse was in the public view or not. Learned counsel has relied on the judgment of the Apex Court in **Swaran Singh and others v. State through Standing**

Counsel and others¹ and submits that the abuse made by the accused is not in the public eye and as such the provisions of SCs & STs (POA) Act are not attracted. Learned counsel also submits that in view of the matrimonial disputes between the petitioner and the de-facto complainant, the petitioner has been implicated in this crime and he is languishing in jail since last 25 days.

4. On the other hand, learned Assistant Public Prosecutor submits that the investigation is pending and so far, 7 witnesses were examined and that the parents of A1, who are A2 and A3, are absconding. He submits that the police have informed the de-facto complainant as contemplated under Section 15(3) of SCs & STS (POA) Act. He submits that as the investigation is pending, the petitioner is not entitled for bail.

5. Taking into consideration the facts that in the report the de-facto complainant has mentioned about the allegations, which are of the year 2015 and 2016, time and date, details were not stated, and further, in view of the law laid down by the Apex Court in Writ Petition (C) No.1015 of 2018 and in Writ Petition (C) No.1016 of 2018 between **Pruthvi Raj Chauhan and Union of India**, and **Swaran Singh's case (supra)**, this Court deems it appropriate to grant bail to the petitioner.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No.1 shall be enlarged on bail in connection with Crime No.1696 of 2021 on the file of L.B.Nagar Police Station, Rachakonda District, on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of

¹ (2008) 8 SCC 435

the II Additional Metropolitan Magistrate, Ranga Reddy District at
L.B.Nagar.

LALITHA KANNEGANTI, J

2nd February, 2022

sj

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Date:02.02.2022

sj