

THE HONOURABLE SRI JUSTICE M.LAXMAN

CRIMINAL PETITION No.4697 OF 2023

O R D E R:

1. This Criminal Petition is filed by the petitioners/Accused No.1 to 4 under Sections 438 of the Criminal Procedure Code seeking anticipatory bail in Crime No.107 of 2023 of Dharmapuri Police Station, Jagtial District, which was registered for the offences punishable under Section 290 read with 34 of I.P.C. and Sections 3 (1) (r) (s) and 3 (2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (for short “the Act”).

2. The case of the prosecution is that all the petitioners/accused Nos.1 to 4 went to the house of respondent No.2/*de facto* complainant and allegedly abused her in the name of her caste and also sent obscene messages in the Whatsapp.

3. The contention of the learned counsel for the petitioners is that the alleged offence under Section 3 (1) (r) (s) of the Act

is allegedly done in the private house and not in the public view. There is no *prima facie* material for attracting the above charged offence. It is also his contention that Section 3 (2) (Va) of the Act cannot be invoked unless the petitioners allegedly committed the notified scheduled offence, therefore, both the provisions will not attract.

4. Learned Additional Public Prosecutor opposed the bail application.

5. As seen from the allegations, the alleged abuse in the name of caste and intentionally insults or intimidation were done in the private house and not in the public view. Further, there is no schedule offence charged so as to invoke Section 3 (2) (Va) of the Act. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioners/accused Nos.1 to 4 on certain conditions.

6. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 to 4 are granted anticipatory bail subject to the following conditions:

- (i) The petitioners/Accused Nos.1 to 4 are directed to surrender before the Station House Officer, Dharmapuri Police Station, Jagtial District and on such surrender, they are ordered to be released on bail on their executing personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties each for a like sum to the satisfaction of Station House Officer, Dharmapuri Police Station, Jagtial District.
- (ii) The petitioners/accused Nos.1 to 4 shall make available for the police as and when their presence is required for the purpose of investigation.
- (iii) The petitioners/Accused No.1 to 4 are further directed to cooperate with the Investigating Agency.
- (iv) The petitioners/Accused No.1 to 4 shall abide by the other conditions stipulated in Section 438 of the Criminal Procedure Code.

M. LAXMAN, J

25.05.2023
TMK/GSD

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Date: 25.05.2023

TMK/GSD