

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2458 OF 2024

O R D E R:

This criminal petition is filed by the petitioner – Accused No.6 under Section 438 Cr.P.C. for grant of anticipatory bail in Crime No.244 of 2023 on the file of the Khammam II Town Police Station, Khammam District, registered for the offences under Sections 143, 294-B, 323, 307 read with 149 of IPC and Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, ‘SC/ST (POA) Act’).

2. The case of the prosecution in brief was that on 30.05.2023, at about 13:30 hours, the *de-facto* complainant lodged a report before the police stating that while he along with others went to NTR Circle, Khammam to pay tribute to NTR at the statue, some six persons attacked him suddenly and abused him in filthy language in the name of his caste and beat him with hands and kicked him with legs. On his raising hue and cries, the police personnel came there and rescued him.

3. Notice was issued to the respondent No.2-*de-facto* complainant and as per the postal track report filed by the learned counsel for the petitioner, it was served on the respondent No.2-*de-facto* complainant on 08.02.2024, but

there was no representation for him. Learned Additional Public Prosecutor also reported that notice was served on respondent No.2 through the police.

4. Heard the learned counsel for the petitioner-Accused No.6 and the learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioner submitted that the petitioner was only present at the spot but he never abused or assaulted the respondent No.2-*defacto* complainant. As per the complaint also, the names of accused Nos.1, 2, 4 and 5 were shown as abused him in the name of his caste, but there was no whisper about the involvement of the petitioner in the alleged offence. He further submitted that the petitioner belonged to the Scheduled Tribe community. As such, the alleged offence under SC/ST (POA) Act would not attract to the petitioner and prayed to grant anticipatory bail to the petitioner.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner as the petitioner also participated in the alleged offence.

7. Perused the record. Considering that the ingredients of the offence under SC/ST (POA) Act would not attract to the petitioner and as the name of the petitioner was not stated by the *de-facto* complainant in the report as the person who attacked him and as the alleged incident also occurred long back,

it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner—accused No.6 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner-Accused No.6 is directed to surrender before the Station House Officer, Khammam II Town Police Station, Khammam District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a like sum to the satisfaction of the said Station House Officer.
- 2) The petitioner-Accused No.6 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigation of the case.

Miscellaneous applications, pending if any, shall stand closed.

Date:12.03.2024
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Dr. G.RADHA RANI, J