

THE HONOURABLE Dr.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4159 OF 2024

ORDER:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) seeking anticipatory bail to the petitioners-Accused Nos.2 to 5 in Crime No.332 of 2024 on the file of Narsingi Police Station, Cyberabad, registered for the offences under Sections 448, 427, 379, 506 read with 34 IPC and Section 3 (1) (r) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short SC & ST Act’).

2. The case of the prosecution in brief was that on 08.03.2024 at 16.00 hours, the de facto complainant lodged a report stating that for the past two months she was residing along with one Radha Krishna. One Sirisha, also worked in her office. The said Sirisha took an amount of Rs.50,000/- from the complainant by threatening to share her personal photos and videos on social media and also extracted Rs.35,000/- from Radha Krishna by blackmailing him. Despite receiving the said money, Sirisha sent the incriminating material via Whatsapp to one Rajeswari, wife of Radha Krishna. On 23.02.2024 at 12.30 PM, Srisiha and Rajeswari along with the brothers of Rajeswari, by name, Saibabu and Prabhakar and mother, by name, Lalitha and others came to the residence of the de facto

complainant, broke the doors, physically attacked the de facto complainant and Radha Krishna and insulted the de facto complainant in the name of caste and took the land documents, certificates, makeup products and beauty parlour products worth Rs.1,00,000/- as well as 7 tulas of gold and Rs.75,000/- cash. Basing on the said report, the above crime was registered.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioners submitted that the petitioner No.1-A2 was the legally wedded wife of Radha Krishna and the said Radha Krishna was unseen for the last two months. On enquiry, they came to know that he was living with the de facto complainant. As such, the petitioner No.1 lodged a complaint before the SHO, Narsingi Police Station on 23.02.2024. The police brought Radha Krishna and the de facto complainant to the police station and on the intervention of elders, said Radha Krishna was sent along with his wife i.e. petitioner No.1 herein. The de facto complainant with a malafide intention filed a false case against the petitioners-A2 to A5. All the offences alleged against the petitioners were punishable with imprisonment for less than 7 years and prayed to enlarge the petitioners on anticipatory bail.

6. Learned Additional Public Prosecutor submitted that notice under Section 41-A Cr.P.C. was issued to the petitioner Nos.1 and 3 i.e. A2 and A4 and that there was a bar under Section 18 of SC & ST Act to grant anticipatory bail and opposed grant of anticipatory bail to the petitioners.

7. Perused the record. Considering that a complaint was lodged by the petitioner No.1-A2 on 23.02.2024 and the present case is alleged to be filed as a counter blast to the above case filed by the petitioner No.1-A2 and all the offences alleged against the petitioners are punishable with imprisonment for less than 7 years and considering the judgment of the Hon'ble Apex Court in **Prithvi Raj Chauhan v. Union of India and Others**¹ wherein it was held that if the complaint does not make out a *prima facie* case for applicability of the provisions of SC & ST (PoA) Act, 1989, the bar created by Section 18 and 18 A (2) would not apply, it is considered fit to enlarge the petitioners on anticipatory bail on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioners-A2 to A5 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioners-A2 to A5 are directed to surrender themselves before the Station House

¹ (2020) 4 SCC 727.

Officer, Narsingi Police Station, Cyberabad, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.

- 2) The petitioners-A2 to A5 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

April 23, 2024
KTL

Dr. G.RADHA RANI, J

