

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.4739 of 2024

ORDER: (ORAL)

This petition is filed, under Section 438 of the Criminal Procedure Code, seeking grant of anticipatory bail to the petitioner, who is accused No.1, in Cr.No.15 of 2024 registered for the offences punishable under Sections 452, 386 read with Section 34 of the Indian Penal Code and Section 3(2)(v), 3(1)(s), 3(1)(f) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 on the file of the Station House Officer, Venkatapuram Police Station, Mulugu District.

2. The allegations against the petitioner - accused No.1 is that on 28.01.2024 petitioner along with other accused came to the house of the *defacto* complainant and threatened him by saying that the land in Survey No.119/2 situated at Nugur (Z) village, Venkatapuram Mandal, Mulugu District, which is being cultivated by the *defacto* complainant is owned by the petitioner and abused the *defacto* complainant in the name of his caste, threatened to kill him with dire consequences. That due to fear, the *defacto*

complainant has given Rs.23,000/- (Rupees Twenty Three Thousand Only) to the petitioner. The petitioner along with other accused threatened to kill him, if he informs anyone about the incident and left his house. The *defacto* complainant was scared and discussed the incident with his family members without telling anyone, later he mustered up the courage and lodged a complaint in the Police Station. The *defacto* complainant belongs to SC-Mala Community and has life threat from the petitioner and other accused persons.

3. Heard both sides.

4. The alleged date of incident is 28.01.2024 and report was lodged on 03.02.2024. It is contended by the learned counsel for the petitioner that petitioner is resident of Hyderabad, he never went to the said village and he is taking care of his father who is undergoing dialysis treatment. The allegations against the petitioner are vague and there is delay in lodging the report. It is not stated in the report lodged by the *defacto* complainant as to

who out of four (4) accused persons, has uttered the words touching upon the caste of the *de facto* complainant.

5. Despite service of notice to the *de-facto* complainant *vide* Memo S.R.No.45100 of 2024, there is no appearance on his behalf.

6. *Prima facie*, the offence under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 are not made out.

7. In the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner - accused No.1.

Hence, the criminal petition is allowed and the petitioner is directed to surrender before the Station House Officer, Venkatapuram Police Station, within 15 days from the date of this order. On such surrender, the petitioner shall be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioner shall abide by the conditions as under:

1. The petitioner shall make himself available for interrogation by a police officer as and when required.
2. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
3. The petitioner shall not leave India without the previous permission of the Court.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

B. VIJAYSEN REDDY, J

Date: 23.05.2024.
MS/EDS

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