

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2219 of 2025

ORDER:

The present Criminal Petition is filed by the petitioners praying this Court to grant anticipatory bail who are arrayed as accused Nos.1 to 3 in F.I.R.No.234 of 2024 of Sathupalli Police Station, Khammam. The offences registered against the petitioners are under Sections 294-B, 120-B, 506 r/w.34 of Indian Penal Code and under Sections 3 (1) (r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SC/ST Act') and under Section 156 (3) of Code of Criminal Procedure.

2. The facts of the case are that the petitioners have abused the defacto complainant in his caste name and insulted him with a criminal intimidation due to land disputes. Hence, the complainant gave a private complaint under Section 200 of Cr.P.C, before the Court and the same was referred to the police. Basing on the said complaint, police registered the case against the accused for the above offences.

3. Heard Sri Rajagopallavan Tayi, learned counsel for the petitioners, Sri G.Ravi Chandrasekhar, learned counsel appearing for respondent No.2 and learned Additional Public Prosecutor appearing for respondent No.1-State.

4. The contention of learned counsel for the petitioners is that petitioners are innocent and they have not committed any offences. The complainant created a false story by suppressing the facts and implicated the petitioners. The allegation that petitioners entered the land of complainant and abused him is false. The petitioners herein filed W.P.No.13951 of 2023, wherein this Court disposed of the same, directing the petitioners to submit all the necessary documents before the respondent-Police for taking appropriate steps to implement the order passed in E.A.No.02 of 2023 in E.P.No.02 of 2023 in O.S.No.38 of 2003, wherein an injunction was already granted in favour of petitioners and they filed E.A., for police protection, which shows that property itself belongs to the petitioners and the complainant is no way connected to the said property. As such, prayed this Court to grant anticipatory bail to the petitioners.

5. On the other hand, learned counsel for respondent No.2 would submit that the defacto complainant is in possession of the said property and these petitioners interfered and abused him in filthy language in his caste name. Further petitioners are not entitled for anticipatory bail in view of bar under Section 18 of the SC/ST Act and prayed to dismiss this petition.

6. Learned Additional Public Prosecutor would submit that already A.1 and A.2 were served with Section 41-A Cr.P.C, notice and A.3 has not appeared before the Police and the notice of A.3 was affixed to the conspicuous place of her house as she was not available and only to avoid legal consequences, this petition is filed. As such, prayed to dismiss this petition.

7. Considering the submissions made by both the counsel and as seen from the record, already there is protection given to the petitioners under Section 41-A Cr.P.C. Further there are civil disputes pending between the parties and according to petitioners, there is a decree in their favour and E.P. is also filed. Therefore, the defacto complainant cannot claim the property as belonging to him. However, as the offences punishable are below seven years,

and in view of the judgment of this Court in CrI.P.1866 of 2024 and Criminal Appeal No.2622 of 2025 arising out of SLP (CRL) No.8081 of 2023, anticipatory bail can be granted when there is no prima-facie offence made under the provisions of SC/ST Act. In the present case also, the complaint itself reveals that there are civil disputes between the parties. Hence, this Court deems it fit to grant anticipatory bail to the petitioners subject to the following conditions :

- 1) The petitioners/A.1 to A.3 are directed to surrender before the Station House Officer, Sathupalli Police Station, within two weeks from today, and on such surrender, the said Station House Officer shall release the petitioners/A.1 to A.3 on pre-arrest bail on 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 his satisfaction.
- 2) On such release, petitioners/A.1 to A.3 shall appear before the concerned police as and when required for the purpose of investigation.
- 3) The petitioners/A.1 to A.3 shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall co-operate with the Investigating Officer in investigating the case.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date :07.03.2025
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