

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.78 of 2023

ORDER:

This Criminal Petition is filed under Section 438 CrPC by the petitioners 1 to 4/A38, A39, A75 & A37 seeking anticipatory bail in Crime No.227 of 2018 of Tadipathri Rural Police Station, Anantapur District, which is registered on 08.10.2018 for the offences punishable under Sections 147, 148, 506, 307 read with 149 IPC and Section 3(1)(r) and 3(1)(s) of S.C & S.T (POA) Act, stating that the incident happened on 16.09.2018 at 11.30 am.

2. The complaint was lodged on 22.09.2018 by Mr. E. Ravi stating that on 16.09.2018 at 11.30 am when Mr. J.C. Divakar Reddy, the then Member of Parliament, held dharna near ashram and when the *de facto* complainant was near the main gate, one P. Ravi Mohan, Sarpanch and some other persons came there and abused the *de facto* complainant by his caste name and demanded to withdraw all the cases filed against Mr. J.C. Divakar Reddy, Mr. J.C. Prabhakar Reddy and further abused that *de facto* complainant was creating troubles in the town, coming from far away.

3. Heard Mr. G. Sai Narayana Rao, learned counsel for the petitioners and the learned Assistant Public Prosecutor for the respondent/State.

4. Learned counsel for the petitioners submitted that petitioner Nos.1 to 3 herein were also made accused in Crime No.226 of 2018 in respect of the very same incidents, on the complaint of another *de facto* complainant and in that case by order, dated 24.01.2023, in Criminal Petition No.10503 of 2022, this Court directed the petitioners therein to surrender before the police officials within the stipulated time and on such surrender, the petitioners shall be released on bail with conditions imposed therein. Therefore, learned counsel for the petitioners prayed to grant similar relief to these persons in this crime i.e., Crime No.227 of 2018 of the same police station.

5. Learned Assistant Public Prosecutor submitted to pass the similar order.

6. This crime, like the other case, is registered for the offences punishable under Sections 147, 148, 506, 307 r/w. 149 IPC and Section 3 (1) (r) & 3 (1) (s) of S.C & S.T (POA) Act. Section 18 of the S.C & S.T (POA) Act prohibits grant of

anticipatory bail. However, since the offence is alleged to have happened in the year 2018, and there is delay in lodging the FIR and the charge-sheet is not yet filed in spite of passing of so many years since then, the petitioners can surrender before the concerned Court and file petition seeking bail and on such presentation of the petition, the Court shall dispose of the petition on the same day as per law.

7. Accordingly, this Criminal Petition is disposed of.

Pending miscellaneous applications, if any, shall stand closed.

14-02-2023
SSN/GSP

B.S.BHANUMATHI, J

55

THE HON'BLE Ms. JUSTICE B S BHANUMATHI

CRLP.No. 78 of 2023

14.02.2023

SSN/ GSP