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2025 INSC 390

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1471 OF 2025
ARISING OUT OF SLP (CRL.) No. 17738 OF 2024

DEEPAK KUMAR TALA **...APPELLANT(S)**

VERSUS

STATE OF ANDHRA PRADESH & ORS. **...RESPONDENT(S)**

O R D E R

1. Leave granted.

2. This appeal arises out of the order dated 18.11.2024 passed by the High Court in Criminal Appeal No. 675/2024, dismissing the appeal against rejection of the appellant's application for anticipatory bail by Trial Court order dated 24.08.2024.

3. Briefly stated, the allegations in the FIR are as follows: Respondent no. 3 (complainant) belongs to a Scheduled Caste. The appellant set up a Trust for development of a temple along with respondent no. 3 and others, but forced him to transfer certain lands. Upon refusal, the appellant threatened to kill him, abused him by a caste slur, and asked him to stop reciting prayers. That on 18.04.2024, respondent no. 3 was abducted by various persons

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and taken to different locations where he was kept locked up for several days. On 29.04.2024, some accused persons took him to a petrol station and threatened him to transfer the temple's lands in the appellant's name or that they would kill him. Upon refusing, they beat respondent no. 3 with their hands and threatened him with small knives, which led him to agree to transfer the lands out of fear. Meanwhile, respondent no. 3 was rescued by the police and four accused persons were arrested.

4. FIR No. 69 of 2024 was lodged at P.S. G.D. Nellore UPS dated 18.04.2024 under Sections 364, 511, 307, 343, 419, 506, 120B, and 34 of the Indian Penal Code, 1860[1] and Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989[2].

5. From a prima facie examination of the FIR, it is very clear that there is only one alleged instance of an insult/caste slur but there is no allegation that such offending statement was made in the presence of members of the general public.[3] Hence, an essential

[1] Hereinafter "IPC".
[2] Hereinafter "the SC/ST Act".
[3] See *Swaran Singh v. State*, (2008) 8 SCC 435, paras 28, 33; *Hitesh Verma v. State of Uttarakhand*, (2020) 10 SCC 710, para 15; *Ramesh Chandra Vaishya v. State of Uttar Pradesh*, 2023 SCC OnLine SC 668, para 17; *Priti Agarwalla v. State of GNCT of Delhi*, 2024 SCC OnLine SC 973, para 19.1; *Rabindra Kumar Chhattoi v. State of Odisha*, SLP (Crl.) No 1608/2020 (order dt. 05.12.2024), para 13; *Karuppudayar v. State*, 2025 SCC OnLine SC 215, para 11.

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ingredient for attracting Sections 2(1)(r) and 2(1)(s) of the SC/ST Act, i.e., that such statement must be made within "public view", as held by this Court in *Shajan Skaria v. State of Kerala*[4], is prima facie not made out from the FIR. Further, an examination of the FIR also shows that the allegations regarding the appellant's involvement in the alleged conspiracy for respondent no. 3's abduction and criminal intimidation are only inferential in nature, which can be established during trial.

6. The relationship between the parties, as evident from the FIR itself is that the appellant and the complainant were associated for a long time (since 2012) with the temple's activities, for which a Trust was formed that named both of them as trustees. It was only in 2017 that certain disputes arose between them and multiple civil suits regarding the temple's properties and funds were instituted by the appellant.

7. In light of this overall perspective and considering the allegations in the FIR, our prima facie conclusion is that the appellant is entitled to anticipatory bail as per the principles laid down by this Court in *Prathvi Raj Chauhan v. Union of India*[5] and *Shajan Skaria* (supra).

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[4] 2024 SCC OnLine SC 2249.
[5] (2020) 4 SCC 727, para 11.

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8. In this view of the matter, by allowing the present appeal, we direct that in the event the appellant is arrested in connection with FIR No. 69 of 2024 lodged at P.S. G.D. Nellore UPS dated 18.04.2024, he shall be released on bail subject to such terms and conditions as the Trial Court may deem fit to impose. We make it clear that we have not expressed any opinion on the merits of the matter and that the observations made in our order will have no bearing on the conduct of the trial or on the final decision in the criminal proceedings.

9. Pending applications, if any, stand disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[MANOJ MISRA]

NEW DELHI;
MARCH 25, 2025.

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ITEM NO.1502 COURT NO.11 SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 17738/2024

[Arising out of impugned final judgment and order dated 18-11-2024 in CRA No. 675/2024 passed by the High Court of Andhra Pradesh at Amravati]

DEEPAK KUMAR TALA Petitioner(s)

VERSUS

STATE OF ANDHRA PRADESH & ORS. Respondent(s)

[HEARD BY : HON. PAMIDIGHANTAM SRI NARASIMHA AND HON. MANOJ MISRA, JJ.]

Date : 25-03-2025 This petition was called on for pronouncement of order today

For Petitioner(s) :Mr. Sivagnanam K, Adv.
Mr. Siddhant Buxy, AOR

For Respondent(s) :Ms. Prerna Singh, Adv.
Mr. Guntur Pramod Kumar, AOR
Mr. Samarth Krishan Luthra, Adv.

Ms. Devina Sehgal, AOR
Mr. Yatharth Kansal, Adv.

Hon’ble Mr. Justice Pamidighantam Sri Narasimha pronounced the order of the Bench comprising His Lordship and Hon'ble Mr. Justice Manoj Misra.

1. Leave granted.

2. The appeal is allowed in terms of the signed order. Relevant portion of the order is as under:

> “...we direct that in the event the appellant is arrested in connection with FIR No. 69 of 2024 lodged at P.S. G.D. Nellore UPS dated 18.04.2024, he shall be released on bail subject to such terms and conditions as the Trial Court may deem fit to impose..”

3. Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
AR-CUM-PS

(NIDHI WASON)
COURT MASTER (NSH)

(Signed order is placed on the file)