

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 83 OF 2015

Digambar s/o. Madhavrao Davale
and others

....Applicants.

Versus

The State of Maharashtra and Anr. **....Respondents.**

Mr. R.R. Karpe, Advocate for applicants.

Mr. A.V. Deshmukh, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 23rd January, 2015.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2. The submissions made show that prior to the registration of the present crime, the crime was registered against the two sons of the complainant on the basis of report given on 21.11.2014. This report was given in respect of the incident dated 20.11.2014 which took place at about 20 hours. Allegations were made that the road robbery was committed and the crime is registered for the offences punishable under sections 395, 341, 325 etc. of I.P.C. against these boys. The complainant has made allegations that on 20.11.2014 at 12.30

p.m. present applicants came to her house and they were searching for her sons. She has made allegations that when she informed that she was not able to give information, abuses were given by taking the name of her caste, which is a scheduled caste. She gave report to police on 22.11.2014 and the crime came to be registered for the offences punishable under section 3 (1) (x) of SC and ST (Prevention of Atrocities) Act and sections 323, 149 etc. of I.P.C.

3. The police papers show that the three persons from the side of present applicants were injured. This record can be used in the crime which was registered against the sons of the applicants. On the other hand, there is no circumstantial check to the aforesaid allegations made by the complainant against the applicants. It is clear possibility that the dispute is of different kind. This Court holds that protection needs to be given.

4. In the result, the application is allowed. Interim relief granted in favour of the applicants is confirmed.

[T.V. NALAWADE, J.]

ssc/