

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

CRIMINAL APPLICATION NO. 480 OF 2015
WITH
CRIMINAL APPLICATION NO. 846 OF 2015

Ramrao s/o. Baburao Gite **Applicant.**

Versus

The State of Maharashtra **Respondents.**

Mr. V.D. Salunke h/f. Mr. N.S. Ghanekar, Advocate for applicant.

Mrs. M.A. Deshpande, APP for State.

Mr. A.L. Kanade, Advocate for assisting APP.

CORAM : T.V. NALAWADE, J.
DATED : 18th February, 2015.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. Learned counsel Shri. A.L. Kanade was allowed to assist the learned APP and the application filed for assisting the learned APP is allowed and disposed of accordingly.

2. Previous application of present applicant bearing No. 30/2015 was withdrawn by the applicant on 14.1.2015 when this Court had expressed that this Court was not inclined to grant the relief. In view of this circumstance, it was necessary for the applicant to show that there has been change in the

circumstances.

3. The crime is registered on the basis of report given by one lady teacher and also Head-Mistress in respect of incident dated 29.11.2014. According to her, on that day after the timing of morning school was over, after 10.30 a.m., present applicant who is the Secretary of the institution came to the office. She was sitting on a chair and she gave respect by standing and she offered the chair to the applicant. She has made allegations that present applicant became angry and he questioned the complainant as to why she had given letter directly to Zilla Parishad regarding pay without taking his permission. According to her, by saying so, he gave slap to her. She is also working as Head-Mistress of the school and incident in question took place in presence of other teachers. Due to slap, she virtually collapsed and fell on the ground.

4. She has made allegations that present applicant instigated other person, who was in his company, to snatch the Mangalsutra and accordingly associate of applicant snatched Mangalsutra worth Rs. 8000/-. It is her case that it was taken away. It is her case that when she started crying, the applicant gave abuses to her by taking the name of her caste, which is a

scheduled caste and they also gave threat of life. Report came to be given on 30.11.2014 and crime is registered for the offences punishable under sections 392, 34 etc. of I.P.C. and sections 3 (1) (x) and 3 (1) (xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. This Court has gone through the papers of investigation and they include the statements of atleast three teachers showing that they witnessed the incident and they are supporting the complainant.

6. The learned counsel for the applicant submitted that applicant being Secretary of that institution, he was required to give notice of show cause to the complainant in respect of indiscipline and due to that, false report is given to police. He submitted that present applicant is also working as a teacher in a school of the said institution which is at the distance of 100 k.m. from the place of incident and said school has issued certificate to the effect that he was on duty. The learned APP submitted that statements of few persons are recorded, where the present applicant is working and there are such statements.

7. The report of Investigating Officer shows that he

wants to arrest the applicant to ascertain the truth. In view of the provisions of section 42, 57, 156, 169, 170 and 173 of Cr.P.C., the satisfaction of the Investigating Officer is important in such a case. In view of these circumstances, bar of section 18 of Special Act and seriousness of the allegations, this Court holds that it is not a fit case to grant the relief. Previous application was disposed of and it needs to be treated that it was rejected on merits. As per practice, when this Court had expressed that the Court was not inclined to grant relief, the application was withdrawn.

8. In the result, the application is rejected. The observations are for the purpose of present proceeding only.

[T.V. NALAWADE, J.]

ssc/