IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 919 OF 2015

Amjad S/o Pasha Pathan & Ors. **.... APPLICANTS**

V E R S U S

The State of Maharashtra **.... RESPONDENT**

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Mr.S.A.G.Qureshi ,Advocate for Applicants.
Mr. A.S.Shinde, A.P.P. for Respondent - State.

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CORAM : V.M.DESHPANDE, J.
DATE : 18th MARCH, 2015

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PER COURT :

1. Heard Mr. S.A.G.Qureshi, the learned Counsel for the applicants and Mr. A.S.Shinde, the learned A.P.P. for respondent – State.

2. The applicants are seeking anticipatory bail in their favour in connection with Crime No. 7/2015 registered with police station Georai, Tq. Georai, Dist. Beed for the offences punishable u/s 143, 324,504, 506 of the Indian Penal Code and u/s 3 (1) (x) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

[hereinafter referred to as ‘ Atrocities Act’ for the sake of brevity].

3. Applicant No. 4 Mansur Shaikh S/o Shahnur Shaikh has given complaint to Tahsildar, Georai by which it was pointed out that the owner of fair price shop viz. Rambhau S/o Laxman Sutar is not distributing the commodities to the card holders and in stead he is selling those commodities in the black market.

It appears that the panchanama was executed in presence of 15 persons by the Revenue Circle Inspector on 26/12/2014, by which it was noted that the shop owner always keep the shop in close condition and he is not distributing the commodities to the card holders.

4. It appears that on the basis of the report dated 07/02/2015, the District Supply Officer has already cancelled the authorization of Rambhau S/o Laxman Sutar.

5. Be that as it may, after the panchanama was executed, it appears that the servant/nephew of the shop owner by name Sunil S/o Bhagwan Sutar has lodged First Information Report [hereinafter referred to as ‘F.I.R.’ for the sake of brevity] against the present applicants alleging thereby that the applicants have uttered abusive words in the name of the caste.

6. It is clear that the F.I.R. is nothing but counter blast to the complaint and the panchanama in respect of shop

of Rambhau S/o Laxman Sutar. The first informant being the servant is under the thumb of the said shop owner. Further, the F.I.R. clearly shows that no specific role is attributed to any of the applicant as to who is the said particular applicant who has used the abusive word. In that view of the matter, the applicants have made out case in their favour.

7. Hence, I pass the following order :

(i) Criminal Application No. 919 of 2015 is hereby allowed.

(ii) In the event of their arrest, in connection with Crime No. 7/2015 for the offences punishable u/s 143,324,504,506 of the Indian Penal Code and u/s 3 (1) (x) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered with Police Station Georai, applicant No. 1 to 8 shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety in the like amount by each of them.

(iii) The applicants shall not tamper with the prosecution evidence.

[V.M.DESHPANDE, J.]