

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1304 OF 2015

Vikas Kalyan Shingare & Ors.

.... APPLICANTS

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. K.J.Suryawanshi, Advocate for Applicants.

Mrs. Pratibha Bharad, A.P.P. for Respondent - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 10th APRIL, 2015

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PER COURT :

1. By the present application u/s 439 of the Code of Criminal Procedure, the applicants are seeking their release on bail since they are arrested in connection with Crime No. 18/2015 registered with police station Washi, Dist. Osmanabad for the offences punishable u/s 397 of the Indian Penal Code and u/s 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act [for short, 'Act'].

2. Heard Mr. K.J.Suryawanshi, learned Counsel for

the applicant and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State.

3. Thought the charge sheet is not filed yet, learned A.P.P., on the basis of the investigation papers available with her, states that the investigation is on the verge of completion and only the medical certificate of injured first informant Manish is yet to be obtained from the hospital.

4. From the F.I.R., it is clear that the assault on the head of the first informant by means of axe is not attributed to any of the applicant. The said act is attributed to co-accused Ramesh Shingare, who is not before this Court. In that view of the matter, merely because the injury certificate is not available before this Court, that can not be an impediment for grant of bail in the present application.

5. From the F.I.R., the other allegations are that the golden chain of the first informant was snatched. Even those allegations are not against any of the applicant, but those are against Prashant. In so far as other allegation that Rs. 4,000/- were also taken by applicant Kailas, that by itself is not sufficient to keep the applicants in jail, especially when the investigation is almost over. Further, all the weapons allegedly used in the crime are already recovered on the memorandum statement of the co-accused. Learned A.P.P. submitted that the offence is also punishable u/s 3 (1) (x) of the Atrocity Act. Bar u/s 18 of the said Act is for the consideration of anticipatory bail. Learned counsel for the

applicants submitted that the applicants are belonging to Scheduled Caste. In that view of the matter, they can not be punished or they can not be made accused under the Atrocity Act.

6. The evaluation of the said leads me to pass following order.

(i) The present Criminal Application is hereby allowed.

(ii) Applicant No. 1 Vikas Kalyan Shingare, applicant No. 2 Kailash Tatyaba Shingare and applicant No. 3 Anil Dashrath Shingare be released on bail in connection with Crime No. 18/2015 registered with police station Washi, Dist. Osmanabad for the offences punishable u/s 397 of the Indian Penal Code and u/s 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act on they executing P.R.Bond of ₹ 15,000/- [Rupees Fifteen Thousand] with two solvent sureties of like amount.

(iii) The applicants shall attend police station Washi, Dist. Osmanabad once a week preferably on every Monday between 2.00 p.m. and 4.00 p.m. till charge is framed.

(iv) The applicants shall not enter village Para.

Learned counsel for the applicants submitted on the basis of the instructions from the friend of the present applicants who is present in the Court hall namely Umesh Choudhari that the applicants shall be residing at village Lakhangaon. The applicants are directed to inform their residential address at Lakhangaon to the Investigating Officer and the applicants shall not enter village Para unless and until they are permitted to do so by the learned trial Court.

(v) The condition not to enter village Para shall remain in operation till the trial is over or for the period of one year whichever is earlier.

(vi) With these observations, the present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]