

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 1710 OF 2015

[Vijay Nathu Bangar and others Vs The State of Maharashtra & anr.]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri V.D.Hon, Senior advocate for applicants
Smt. V.A.Shinde, A.P.P. for respondents

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CORAM : V.M.DESHPANDE, J.

DATED : 27th April, 2015

PER COURT :-

1] By the present application, the applicants are seeking anticipatory bail, since they apprehend their arrest in connection with Crime No. 99 of 2015, registered with Parner police station, District Ahmednagar, for the offences punishable under Sections 354, 323, 143, 147 of Indian Penal Code and Section 3(1)(x) and (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2] I have heard Shri V.D.Hon, learned Senior counsel for applicants and Smt. V.A.Shinde, learned Additional Public Prosecutor for the respondent/State.

3] At the out set, the learned Senior counsel submits that he wish to withdraw the application on behalf of applicant no.7-Dadabhau Bhau Sobale. In view of the said statement, application filed on behalf of applicant no.7-Dadabhau Bhau Sobale is hereby dismissed.

4] The first information report is lodged by Pushpa Mali, who is the Deputy Sarpanch of village Jamgaon. Applicant no.1 is the Sarpanch of the said Grampanchayat; whereas applicant nos. 2 to 6 and 8 are the members of the Managing Committee of one Cooperative Society.

After going through the first information report and after hearing learned Additional Public Prosecutor for the State, who has submitted on the basis of the investigation papers and on the basis of statements recorded by the investigating officer during investigation that none of the present applicants have used abusive language against the first informant in the name of caste. In that view of the matter, prima facie, offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act cannot be made applicable against the present applicants.

Further the allegations in so far as outraging modesty is concerned, those are also made against one Rajaram Dhurpate and Dadabhau Sobale. No such allegations are made against the present applicants. In that view of the matter, the application filed on behalf of the applicants can be favourably considered. Hence, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) Application of applicant no.7-Dadabhau Bhau Sobale is hereby dismissed as withdrawn.
- (iii) Applicants No.1-Vijay Nathu Bangar, No.2-Dattatraya Nana Bangar, No.3-Vijay Raghunath Dhurpate, No.4-Samir Ulhas Mandhare, No.5-Eknath Balaji Dhurpate, No.6-Atul @ Tanaji Bhagchand Khodal and No.8-Tukaram Shankar Dhurpate, be released on anticipatory bail in the event of

their arrest, in connection with Crime No. 99 of 2015, registered with Parner police station, District Ahmednagar, for the offences punishable under Sections 354, 323, 143, 147 of Indian Penal Code and Section 3(1)(x) and (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on they each executing P.R. bond in the sum of Rs.10,000/- with two solvent sureties in the like amount.

(iii) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap1710.15