

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

CRIMINAL APPLICATION NO. 1989 OF 2015

Vijaysingh s/o Gulabsingh Thakur & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra & Ors. **RESPONDENTS**

.....

Mr. S.S.Rathi, Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for R – 1 State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 30th APRIL, 2015

.....

PER COURT :

1. By the present application, applicants are seeking anticipatory bail since they are apprehending their arrest in connection with Crime No. 35/2015 registered with police station Kotwali, Parbhani, Dist. Parbhani for the offences punishable u/s 143,147,148,149,363,323,324 of the Indian Penal Code and u/s 3 (i) (x) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act [for short, ' Atrocity Act '].

2. Heard Mr. S.S.Rathi, learned counsel for the applicants and Mr. A.S.Shinde, learned A.P.P. for respondent

No. 1 – State.

3. F.I.R. is lodged by Vimalbai Babu Kale against the present applicants and one Lakhan s/o Bapurao Kirtane, who is already released on anticipatory bail by the learned Special Judge. I have gone through the F.I.R. In the entire F.I.R., there are no allegations that any of the present applicant has used any abusive word in the name of caste. F.I.R. is completely silent about it. Learned A.P.P. tried his level best to point out that instead of section 3 (i) (x), it should be section 3 (i) (xi) of the Atrocity Act. Even the arguments can not be accepted, because in the entire F.I.R., it is not mentioned that since first informant and victim were belonging to particular caste and the applicants were knowing that, therefore, an act of assault was made on them. In that view of the matter, stringent provisions of Atrocity Act can not be made applicable. The applicants are also charged for the offence punishable u/s 324 of the Indian Penal Code. Injury certificate of Rama shows that he has received three simple injuries in the nature of abrasion and contusion on thigh and fore arm. In that view of the matter, present applicants are entitled for anticipatory bail.

4. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) In the event of arrest, in connection with

Crime No. 35/2015 registered with police station Kotwali, Parbhani, Dist. Parbhani for the offences punishable u/s 143,147,148,149,363,323,324 of the Indian Penal Code and u/s 3 (i) (x) of the Atrocity Act, applicant No. 1 Vijaysingh s/o Gulabsingh Thakur, applicant No. 2 Kiransingh s/o Vijaysingh Thakur, applicant No. 3 Akash s/o Vijaysingh Thakur and applicant No. 4 Babu Khan @ Babu Savkar s/o Amir Khan Pathan be released on anticipatory bail on they executing P.R. Bond of ₹ 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount by each of them.

(iii) Present applicant Nos. 1 to 4 shall attend police station Kotwali, Parbhani once in a week preferably on every Saturday in between 2.00 p.m. and 3.00 p.m. till the charge sheet is filed.

(iv) Needless to mention, the observations made in this order are purely for deciding the present Criminal Application for anticipatory bail and the learned Judge of the Court below shall not get influenced by these observations while conducting the trial.

(v) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 1989.2015