

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2184 OF 2015.

KIRAN S/O BHUJANRAO DESHMUK
VERSUS
THE STATE OF MAHARASHTRA

Appearance =>

Mr. Mahesh P. Kale, Advocate for the Applicant.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 7th May, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No. 15/2015 registered with Police Station, Tadkalas, Taluka - Purna District - Parbhani for the offences punishable under Section.s. 395, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code and under Section 3(1)(x) and 3(1)(xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989.

[2] First Information Report is lodged on 7th March, 2015 by Subhash Tukaram Wankhede in respect of occurrence dated 06/03/2015. On the basis of said report, offences punishable under Section.s. 395, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code and under Section 3(1)(x) and 3(1)(xi) of the Scheduled Castes and the Scheduled Tribes

(Prevention of Atrocities Act), 1989 registered against the Applicant and co accused.

[3] With the assistance of learned counsel for both the sides, I have gone through the First Information Report. First Information Report clearly reveals that there are no allegations against the present Applicant that he used abusive words in the name of caste of the first informant. The only allegations against the present Applicant is that he caused the Nagesh to fell down and beat him.

[4] The learned Additional Public Prosecutor submitted that injuries sustained by Nagesh are simple in nature.

[5] The role of assaulting the injured persons by means of iron bar is attributed to some other persons. Looking to the fact that there are no allegations against the Applicant that he uttered abusive words in the name of caste and looking to the nature of accusation and fact that, injuries sustained by Nagesh are simple in nature, custodial presence of the applicant is not at all necessary. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant - KIRAN S/O BHUJANRAO DESHMUK shall be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No. 15/2015 registered with Police Station, Tadkalas, Taluka - Purna District - Parbhani for the offences punishable under Section.s. 395, 143, 147, 149, 324, 323, 504, 506 of the Indian Penal Code and under Section 3(1)(x) and

3(1)(xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989.

(ii) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)