

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

CRIMINAL APPLICATION NO. 2257 OF 2015.

BHAIYA S/O SAHEBRAO PATIL.
VERSUS
THE STATE OF MAHARASHTRA. & ORS.

Appearance =>

Mr. Nitin B. Suryawanshi, Advocate for the Applicant.

Mr A.V. Deshmukh, Additional Public Prosecutor for the State of Maharashtra.

Mr. D.D. Pokharkar, Advocate for the First Informant.

CORAM : V.M. Deshpande, J.

DATE : 6th 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. 30/2015, registered with Police Station, Sakri, District – Dhule for the offences punishable under Section/s 354, 143, 147, 149, 323, 504, 506 of the Indian Penal Code and under Section 3(1)(x) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

[2] I have heard Mr. Nitin B. Suryawanshi, learned counsel for the Applicant, Mr A.V. Deshmukh, learned Additional Public Prosecutor for the State and Mr. D.D. Pokharkar, learned counsel for the First Informant.

[3] First Information Report is lodged by Bhausahab Dadaji More against the present Applicant and others. The nature of accusation as it is

found in the First Information Report dated 11th March, 2015 is that present Applicant alongwith other accused has uttered abusive language in the name of caste of the first informant.

[4] Worth to note that other accused, except present applicant, are already released on anticipatory bail, by the learned trial court..

Application filed by the present Applicant was rejected by the learned trial court; since there are allegations against the present Applicant that he caught hold the hand of daughter of the first informant.

[5] Mr. D.D. Pokharkar, learned counsel for the First Informant has submitted before this court that, in order to have communal harmony in the village, with the assistance elderly persons, present dispute is settled amicably, in between the parties.

It is also pointed out by the learned counsel for the Applicant that, in fact, application for quashing of the First Information Report is already lodged vide Criminal Application No.582 Of 2015.

[6] Looking to the fact that co-accused, against whom the similar nature of accusation is made by the first informant that they have used the abusive language in the name of caste of the first informant, are already released on anticipatory bail by the learned trial court and looking to the allegations made against the present Applicant that he has caught hold the hand of daughter of the first informant, custodial presence of the present Applicant is not warranted. In that view of the matter, I pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - BHAIYA S/O SAHEBRAO PATIL, in the event of his arrest, 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. 30/2015, registered with Police Station, Sakri, District – Dhule for the offences punishable under Section/s 354, 143, 147, 149, 323, 504, 506 of the Indian Penal Code and under Section 3(1)(x) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (iii) With this Criminal application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)