

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

CRIMINAL APPLICATION NO. 2643 OF 2015.

KALABAI RAMDHAN DULHAT AND OTHERS.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Arvind S. Kale, Advocate for the Applicants.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 8th June, 2015.

Per Court :-

Present Criminal Application is filed by the applicants for grant of anticipatory bail, since they are apprehending arrest in connection with CR No. 67/2015, registered with Police Station, Bhokardan, District – Jalna, for the offences punishable under Section/s 436, 427, 428, 354(A)(i), 323, 504 read with 34 of the Indian Penal Code and under Section/s 3(i)(xi), 3(2)(3) and 3 (1)(x) of the Scheduled Castes and the Scheduled Tribes Prevention of Atrocities Act, 1989.

[2] I have heard Mr. Arvind S. Kale, learned counsel for the Applicants and Mrs. S.G. Chincholkar, learned Additional Public Prosecutor for the State in extenso.

[3] The First Information Report is lodged on 4th May, 2015 by Mangalbai Narayan Gaikwad. According to the allegations, she received intimation from her son – Vinod that their house situated in the agricultural field is set ablaze by Jaising Ramdhan Dulat and Ramdhan Shyamram Dulat and also by the present ladies the Applicants. The allegations are that at that time, they used the abusive words in the name of caste.

[4] It is to be noted that Jaising and Ramdhan are already enlarged on bail by the court below; since their application under Section 439 of the Code of Criminal Procedure was allowed. The learned counsel for the applicants tendered copy of said order. It is taken on the record.

[5] Present application is for anticipatory bail. Looking to the general nature of the allegations made against the present applicants, who are ladies and when the principal offenders are already released on bail, custody of ladies, especially when applicant no.2 is carrying pregnancy of nine months and applicant no.3 – who is having small milk sucking child, discretionary relief can be exercised in their favour. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant No.1 – Kalabai Ramdhan Dulhat, Applicant No.2 – Kavita Jaising Dulhat and Applicant No.3 – Lalita Jaising Charande shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No. 67/2015, registered with Police Station, Bhokardan, District – Jalna, for the offences punishable under Section/s 436, 427, 428, 354(A)(i),

323, 504 read with 34 of the Indian Penal Code and under Section/s 3(i)(xi), 3(2)(3) and 3 (1)(x) 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.)