

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

CRIMINAL APPLICATION NO. 2804 OF 2015

Shaibaz Khan s/o Mohabbat Khan

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. N.R.Shaikh, Advocate for Applicant.

Mr. V.H.Dighe, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 1st JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No. 68/2015 registered with City police station, Beed, Dist. Beed for the offences punishable u/s 323,504,324,143,147,148,149 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, 'Atrocities Act'].

2. Heard Mr. N.R.Shaikh, learned counsel for the applicant and Mr. V.H.Dighe, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Shubham Prakash Acharya.

Though the offence is registered under the provisions of the Atrocities Act, from the F.I.R. it is crystal clear that present applicant has not used abusive words in the name of caste of the first informant. From the F.I.R., it is clear that the allegations of using abusive words in the name of caste is against Sohail Khan. It is reported that said Sohail Khan is released on anticipatory bail by the learned trial Court. Further, though it is stated in the F.I.R. that the first informant was assaulted, the allegation is made against Sahil Shaikh and there are no allegations against the present applicant and name of the applicant is not taken in the F.I.R. as one of the assailants. Further, from the prosecution case it appears that the first informant, who is the college student, was having some dispute on some trivial issue with Sohail Khan and, therefore, there was attack.

4. Looking to the fact that the present applicant has not used any abusive words in the name of caste and that he has not assaulted first informant, present application of the applicant can be considered favourably.

5. Hence, I pass the following order :

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 68/2015 registered with City police station, Beed, Dist. Beed for the offences punishable u/s 323,504,324,143,

147,148,149 of the Indian Penal Code and u/s 3(i)(x) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act, applicant Shaibaz Khan s/o Mohabbat Khan be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount.

(iii) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]