

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

CRIMINAL APPLICATION NO. 2967 OF 2015.

**ATMARAM S/O KUNDLIK THAKRE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

Appearance =>

Mr. Sachin S. Deshmukh, Advocate for the Applicants.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 30th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No.3012/2015 registered with Police Station, Hingoli (Rural) District - Hingoli for the offences punishable under Section/s 323, 504, 506 read with 34 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

[2] Heard Mr. Sachin S. Deshmukh, learned counsel for the Applicants and Mr. V.H. Dighe, learned Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by Ramesh Sopan Tapase on 3rd May, 2015. According to the First Information Report, date of incident is 30th April, 2015. The First Information Report discloses that, on 30th April, 2015 at 11.30 hrs. in night, when the First Informant was present in his agricultural land that time, present Applicants used abusive words in the name of caste and also assaulted him by fist blows and kick blows.

According to the First Information Report, first informant was admitted in Ward No.3 of the Government Hospital, Hingoli. Investigation papers which are handed over to this court by the learned Additional Public Prosecutor does not show any document showing that the first informant was admitted in the Government Hospital.

[4] Further the time of incident is 11.30 hrs. in the night. Though there is statement of one Baban Kisan Tapase about the incident, it is to be noted that said witness is the close relative of the first informant. Further the investigation papers show that there are statement of some other witnesses, which show that dispute is already settled between the parties which had occurred on trifle issue.

[5] Looking to the fact that there is delay in lodging the First Information Report and the incident has occurred in the late hours of the night, possibility of hearing those alleged abusive words by independent persons, is completely ruled out. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant No.1 - ATMARAM S/O KUNDLIK THAKRE and Applicant No.2 – SHIVATMA ATMARAM THAKRE shall be released on anticipatory bail on they executing PR. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No.3012/2015 registered with Police Station, Hingoli (Rural) District - Hingoli for the offences punishable under Section/s 323, 504, 506 read with 34 of the Indian Penal Code and under Section 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.)