

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

CRIMINAL APPLICATION NO. 3067 OF 2015

Ashok s/o Maroti Shinde

.... **APPLICANT**

V E R S U S

The State of Maharashtra & Anr.

.... **RESPONDENTS**

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Mr. H.I.Pathan, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for R.Nos.1 & 2 – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 15th JULY, 2015

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PER COURT :

1. Heard Mr. H.I.Pathan, learned counsel for the Applicant and Mr. A.S.Shinde, learned A.P.P. for respondent Nos. 1 and 2 – State.

2. This Court has already granted anticipatory bail in favour of co-accused Vijaysing Gulabsing Thakur and others vide Order dated 30/04/2015 in Criminal Application No. 1989 of 2015. While granting anticipatory bail in favour of the applicants therein, this court has specifically observed that there can not be an offence which can be punishable for the offence u/s 3 (i) (xi) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act [for short,

'Atrocities Act'] in view of the fact that there is no recital in the F.I.R. that the accused persons can not be knowing the caste of the first informant and because of the caste of the first informant, assault was made. Further, it is clear that crime is not registered against the accused persons for the offence punishable u/s 3 (i) (xi) of the Atrocities Act, but it is registered for the offence punishable u/s 3 (i) (x) of the Atrocities Act. However, F.I.R. is completely silent about the utterances of the abusive words in the name of caste.

3. In so far as present applicant is concerned, allegations against him are most general in nature. In that view of the matter, custodial presence of the applicant is not warranted.

4. Hence, I pass the following order.

[i] Present Criminal application is allowed.

[ii] Interim order granted in favour of present applicant Ashok s/o Maroti Shinde dated 17/06/2015 stands confirmed.

[iii] Present Criminal application is disposed of.

[V.M.DESHPANDE, J.]