

FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3137 OF 2015
[Gaus (Baba) Saidq Shaikh Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri D.P.Munde, advocate for applicant
Smt. Pratibha Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 27th July, 2015

PER COURT :-

1] Heard Shri D.P.Munde, learned counsel for applicant and Smt. Pratibha Bharad, learned Additional Public Prosecutor for the respondent/State.

2] By the present application, the applicant, who is apprehending his arrest, in connection with Crime No.88 of 2015, registered with Gandhi Chowk Police Station, Latur, for the offences punishable under Sections 143, 147, 148, 149, 324, 323, 427, 325, 506, 336, 35 of the Indian Penal Code and under Section 3(1)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is praying for anticipatory bail.

3] The first information report is lodged by Dashrath Ramesh Kamble against the present applicant and about 30 persons. Though the offence is registered under the provisions of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, however, from the first information report, it is crystal clear that no role is ascribed against the present applicant that he has used abusive words in the name of caste against the first informant or any member of the Scheduled Caste. In that view of the matter, present applicant cannot be held responsible for commission of such act. Hence, bar under Section 18 of the Code of Criminal Procedure cannot be pressed into service against the present applicant.

4] From the first information report, it is clear that the allegation against the present applicant is that he has assaulted one Bhaurao Rohidas Patole by means of hockey stick. On the last occasion, this court specifically directed the learned Additional Public Prosecutor to produce injury certificate of Bhaurao. Today, the learned Additional Public Prosecutor, from the written instructions from the investigation officer, has made a statement that this Bhaurao did not attend any hospital, nor any injury on the person of Bhaurao is reported. In that view of the matter, the present applicant has made out a case for grant of discretionary relief in his favour. That leads me to pass following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Gaus (Baba) Saidq Shaikh be released on anticipatory bail, in the event of his arrest, in connection with Crime No.88 of 2015, registered with Gandhi Chowk Police Station, Latur, for the offences punishable under Sections 143, 147, 148, 149, 324, 323, 427, 325, 506, 336, 35 of the Indian Penal Code

and under Section 3(1)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on he executing P.R. bond in the sum of Rs.5,000/- with one solvent surety of like amount.

(iii) Applicant Gaus (Baba) shall attend police station Gandhi Chwok, Latur, once in a week, preferably on every Sunday in between 3.00 p.m. to 5.00 p.m. till the charge sheet is filed.

(iv) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3137.15