

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

CRIMINAL APPLICATION NO. 3399 OF 2015

Bapurao s/o Deorao Suryawanshi & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra & Anr. **RESPONDENTS**

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Mr. R.S.Deshmukh, Advocate for Applicants.

Mrs. Pratibha Bharad, A.P.P. for R.No.1 – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 24th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicants are apprehending their arrest in connection with Crime No. 21/2015 registered with Islapur police station, District Nanded for the offences punishable u/s 354-A read with 34 of the Indian Penal Code and u/s 3 (i) (x) and 3 (i) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of atrocities) Act, 1989 [for short' Atrocities Act'].

2. Heard Mr. R.S.Deshmukh, learned counsel for the applicants and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State.

3. Initially the offence was registered only for the offence punishable u/s 354-A read with 34 of the Indian Penal Code with Islapur police station. Section 354-A, it is pointed out that is bailable offence. F.I.R. was lodged on 06/06/2015. It appears that after recording of F.I.R., supplementary statement of the prosecutrix was recorded, wherein she has stated that while outraging her modesty, present applicant No. 1 used abusive words in the name of caste. However, on perusal of the supplementary statement of the prosecutrix, it is clear that there is no reference as to on which caste the abuses were given. Further, in the supplementary statement it is not claimed by the prosecutrix that the present applicants were knowing that she belongs to any Scheduled Caste or Scheduled Tribe. It would be useful to refer as to what statement the prosecutrix has made in her supplementary statement.

“ मला बापूराव सूर्यवंशी यांनी जातीवाचक शिवीगाळ करून माझा पान उतारा केल्याबाबत सांगितले (जबाबात) नाही.

मला घटनेच्या वेळी बापूराव सूर्यवंशी यांनी जातीवाचक शिवीगाळ केली होती. ”

4. After recording of the supplementary statement of the prosecutrix, offences punishable under Atrocities Act are added.

5. In that view of the matter, bar u/s 18 of the Atrocities Act is not applicable in the present case.

6. Hence, I pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 21/2015 registered with Islapur police station, District Nanded for the offences punishable u/s 354-A read with 34 of the Indian Penal Code and u/s 3 (i) (x) and 3 (i) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of atrocities) Act, 1989, applicant No.1 Bapurao s/o Deorao Suryawanshi and applicant No. 2 Dadarao s/o Deorao Suryawanshi be released on anticipatory bail on they executing P.R. Bond of Rs.5,000/- [Rupees Five Thousand] with one solvent surety of like amount by each of them.
- (iii) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]