

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

CRIMINAL APPLICATION NO.4876 OF 2015

Panditrao s/o Baliram Thitte
Age 50 years, Occu. Agri.,
R/o Limbala Hudi, Taluka Sengaon,
District Hingoli

..Applicant

Versus

The State of Maharashtra
through P.S. Sengaon,
Taluka Sengaon, Dist. Hingoli

..Respondent

Mr Sachin S. Deshmukh, Advocate for applicant
Mr R.B. Bagul, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 13th October 2015

PER COURT

Heard.

2. The applicant herein is seeking pre-arrest bail in Crime No.65 of 2015 registered with Sengaon Police Station, District Hingoli for offence punishable under Sections 324, 504, 506 read with sec.34 of Indian Penal Code and under Section 3(1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as "SC/ST Act").

3. For the incident dated 3rd July 2015, the offence came to be registered on 7th July 2015 pursuant to the first information report of the same date. There appears to be delay of three days in lodging the first information report. Leave apart, the learned Counsel for the applicant Mr Deshmukh would urge that so far as the role attributed to the applicant is concerned, according to him, upon plain reading of

first information report depicts that commission of crime under the SC/ST Act is not attracted. According to him, the son of the applicant namely Eknath was already arrested and is released on bail.

4. While opposing the application for pre-arrest bail, learned A.P.P. has invited attention of this Court to the contents of first information report so as to submit that the allegation of commission of crime under the SC/ST Act is very much attracted. He would urge that the role attributed to the applicant is about assault being made on the complainant Chaturabai. So as to substantiate his contention, he has relied on the statements of eye witnesses and also the medical evidence.

5. With the assistance of learned A.P.P., I have perused the case diary and the contents of the first information report. It is required to be noted that upon critical analysis of first information report prima facie offence under the SC/ST Act could not be noticed against the present applicant, as the role attributed to his son Eknath is specifically spelt out, who was arrested and released on regular bail.

6. Apart from above, so far as the allegation against the applicant about assault on the complainant is concerned, the applicant has suffered simple injury as is apparent from the medical evidence. So far as the statements of eye witnesses are concerned, it cannot be inferred that the applicant was the person alone responsible for the alleged crime, as the main role is attributed to his son. In view

thereof, it will be appropriate, in my opinion to grant protection to the applicant. Hence, I proceed to pass the following order.

(I) In the event of arrest of the applicant in connection with C.R.No.65 of 2015, registered with Police Station, Sengaon, District Hingoli for offences punishable under Sections 324, 506 read with Sec.34 of the Indian Penal Code and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he be released on bail on furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

(II) The applicant shall attend the concerned Police Station for three days between 10.00 am and 11.00 am and thereafter as and when called by the investigation Officer.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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