

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

CRIMINAL APPLICATION NO.5109 OF 2015

Ashok s/o Aatam Pawar,
Age 25 years, Occu.Labour work,
R/o Mudkhed, Taluka Palam,
District Parbhani

..Applicant

Versus

1. The State of Maharashtra
through Police Station,
Gangakhed, Dist. Parbhani

2. The Superintendent of Police,
Parbhani, Dist. Parbhani

..Respondents

Mr J.M. Murkute, Advocate for applicant
Mr S.M. Ganachari, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 19th October 2015

PER COURT

Heard.

1. The applicant herein is seeking pre-arrest bail in Crime No.3020 of 2015 registered at Palam Police Station, District Parbhani, on 21st August 2015, for an incident of the same date, for offences punishable under Sections 504, 506 of Indian Penal Code and under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,

2, Learned Counsel for the applicant, while trying to make out the case for grant of pre-arrest bail would urge that the perusal of the first information report prima facie does not disclose the commission of

crime under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. According to him, the applicant herein is falsely implicated in the crime in question in view of the registration of first information report against the complainant in Crime No.86 of 2015 for the offences punishable under Sections 354-A, 452, 323 of the Indian Penal Code in relation to an incident dated 21st August 2015 for which crime was registered on 21st August 2015.

3. Learned Additional Public Prosecutor, while opposing the application would urge that the perusal of the first information report reflects that the applicant is prima facie involved in the commission of crime in question and submits that the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act will attract in the present case and as such, this Court should reject the application.

4. Having carefully scanned the contents of first information report dated 21st August 2015, it is required to be noted that the incident in question of insulting caste based attributions by the applicant took place in open public place. It is also required to be noted that the allegations against the applicant are specific utterances which prima facie attracting the offence in question.

5. So far as the involvement of applicant in the false crime pursuant to the registration of first information report against the complainant at the behest of father of the applicant is concerned, I

have perused the contents of first information report at the behest of mother of the complainant. In my opinion, the contents thereof itself raises serious doubt about happening of the said incident. Apart from above, this Court must take note of the fact that upon reading of the first information report, the bar of Section 18 of the SC/ST (Prevention of Atrocities) Act is attracted in the present case. As such, Criminal Application fails, stands rejected.

(N.W. SAMBRE, J.)

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