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

CRIMINAL APPLICATION NO.5114 OF 2015

Prakash s/o Daulatrao Nalinde ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Swapnil S. Rathi, Advocate for applicant;
Mr S.M. Ganachari, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 16th October, 2015

ORAL ORDER :

The applicant, a qualified and registered Homeopath, is seeking pre-arrest bail, in connection with C.R. No.3037 of 2015, registered with Tadkalas police station, Tadkalas, District Parbhani, for offences punishable under sections 3 (1) (x), 3 (1) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sections 504 and 506 of the Indian Penal Code.

2. The allegations against the applicant are that on the date of the incident, the complainant along with her parents had been to his clinic and the applicant, without giving any treatment, abused her on her caste and after humiliating, asked her to get out of the clinic.

3. Scanned the first information report. It is noted that the allegation against the applicant as regards the caste based insulting abuses is vague in nature. Apart therefrom, it is required to be noted that perusal of the case diary and the investigation papers does not reflect recovery of any prescription from the complainant, so as to *prima facie* form an opinion that the complainant was under the treatment of the applicant doctor.

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4. In view of above, in my opinion, the bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, does not attract in the present case. Thus, in my opinion, the applicant is entitled to be released on pre-arrest bail. I, therefore, pass the following order :-

In the event of arrest of the applicant, in connection with C.R. No. 3037 of 2015, registered with Tadkalas police station, Tadkalas, District Parbhani, for offences punishable under sections 3 (1) (x), 3 (1) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sections 504 and 506 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj