

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

CRIMINAL APPLICATION NO.5439 OF 2015

Ashok s/o Shravan Mali
Age 35 years, Occu. Agri. & Labour,
R/o Belgaon, Taluka Georai,
District Beed.

..Applicant

Versus

The State of Maharashtra,
through Police Station,
Georai, Taluka Georai,
District Beed

..Respondent

Mr G.K. Naik-Thigale, Advocate for applicant
Mr N.T. Bhagat, A.P.P. For respondent

CORAM : N.W. SAMBRE, J.

DATE : 19th October 2015

PER COURT

Heard.

2. The applicant herein is seeking pre-arrest bail in Crime No.3079 of 2015 registered at Georai Police Station, District Beed for offences punishable under Sections 323, 504, 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.

3. Perusal of the first information report depicts that the allegations against the applicant are that he has used sickle for assaulting the complainant of which he gave blow on the head and legs of the complainant.

4. So far as the other accused who are already protected by this Court are concerned, though there was allegation about utterances of insulting words based on caste of applicant are made, Sessions Court has granted bail, however, the application of present applicant came to be rejected. The stick is recovered from the applicant.

5. It is required to be noted here that the investigation papers depict that no surface or external injury could be noticed on the body of the complainant, as alleged by him.

6. Apart from above, upon scanning of first information report carefully, it is noticed that the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not alleged against the applicant, as is apparent from the contents of first information report. As such, bar under Section 18 of the SC/ST (Prevention of Atrocities) Act will not be attracted in the present case.

7. The other sections with which the applicant is charged are not serious. In view thereof, the applicant is entitled for pre-arrest bail. I proceed to pass the following order.

(I) In the event of his arrest, the applicant Ashok Shravan Mali be released on bail in Crime No.3079 of 2015 registered at Georai Police Station, District Beed for offences punishable under Sections 323, 504, 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, upon furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount;

(II) The applicant shall attend the concerned Police Station initially for two days from 10.00 a.m. to 11.00 a.m. and thereafter, as and when called by the investigating Officer.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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