

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

Criminal Application No.6471 of 2014

The State of Maharashtra.

.. Applicant.

Versus

Om S/o Babruwan Gaikwad
And Another.

.. Respondents.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for
applicant.

Respondents - served.

CORAM: T.V. NALAWADE, J.

DATE : 27th FEBRUARY 2015

ORDER:

1) The application is filed for cancellation of relief of anticipatory bail granted by the Additional Sessions Judge in Crime No.93/2014 registered in Murum Police Station for offences punishable under sections 341, 143, 147, 149 etc. of the Indian Penal Code and section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Notice of the present proceeding was served on the respondents accused but

they did not turn up. Heard learned Additional Public Prosecutor.

2) Crime is registered on the basis of report given by one Anandkumar Maruti Kamble. According to him, there was some previous enmity between him and Balaji @ Pintu Gaikwad. According to him, on 15-9-2014 after 6.30 p.m. due to previous enmity Balaji obstructed his motor cycle and picked up quarrel. According to him, Balaji gave him abuses taking name of his caste which is a scheduled caste and also gave him beating by using fist blows and kicks. According to him, Balaji then called his friends like present respondents and others and all of them gave abuses by taking the name of his caste. He did not mention specific abuses given by the associates of Balaji in the FIR dated 15-9-2014. He contended that in the incident he lost his gold ornament worth Rs.60,000/-.

3) The Additional Sessions Judge has granted the relief by observing that there is no specific averments using the actual words used by the respondents. The learned Additional Public Prosecutor referred to

statements of some witnesses like Vikas Kamble, Sukhlal Shinde which were recorded on 16-9-2014 and submitted that these witnesses gave name of abuses given by the present respondents.

4) There is no mention in F.I.R. of specific name of abuse given by present respondents. In view of this and the material collected against the present respondents, this Court holds that it is not desirable to interfere in the order of the Additional Sessions Judge. In the result, the application stands rejected.

Sd/-
(T.V. NALAWADE, J.)

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