

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO. 1451 OF 2015**

|                             |               |
|-----------------------------|---------------|
| Anand Rao Babu Patil & Anr. | ...Applicants |
| Versus                      |               |
| The State of Maharashtra    | ...Respondent |

Mr. Vinod Sangavikar I/b Mr. Umesh R. Mankapure for the Applicants

Ms. S. D. Shinde, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE, J.**  
**FRIDAY, 9<sup>th</sup> OCTOBER, 2015**

**P.C. :**

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 96 of 2015 registered with the Tasgaon Police Station, Sangli, for the alleged offences punishable under Sections 504, 506 r/w 34 of the Indian Penal Code and under Section 3(1)(5)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Learned Counsel for the applicants submits that according to the complainant-Baban Krishna Hankare, the alleged incident had taken place on 22<sup>nd</sup> July, 2015, however, the FIR has been lodged only on 22<sup>nd</sup> September, 2015. He submits that even on a perusal of the allegations *qua* the applicants, it is evident that the bar under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, would not apply.

4. Perused the FIR. Admittedly, the threat was given when the complainant was alone at his residence and as such it is doubtful whether the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act would apply.

5. Learned A.P.P does not dispute the fact that as far as the complaint is concerned, *prima facie* it does not disclose that the allegations with regard to caste were made in public view. She, however, submits that at the end of the complaint, there is an allegation that on 1<sup>st</sup> September, 2015, the applicants abused on the basis of the caste and threatened the complainant.

6. Perused the FIR. It appears from the complaint that as far as the incident of 20<sup>th</sup> July, 2015 is concerned, the complainant himself had specifically stated that he was alone in the house at the time when the alleged incident took place. As far as the incident of 1<sup>st</sup> September, 2015 is concerned, it does not spell out the abuse on the basis of the caste of the complainant. Considering the aforesaid, the application is allowed and the applicants are granted anticipatory bail on the following terms and conditions:

**ORDER**

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;
- (ii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (iii) The applicants shall inform their latest places of residence and mobile contact numbers immediately after being released

and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

7. The Application is allowed in the aforesaid terms and are accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

**REVATI MOHITE DERE, J.**