

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 8 OF 2015

Ajit Hanumant Katkar	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

Mr. Rupesh A. Zade, Advocate for the applicant
Ms. P.P. Shinde, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 20th January, 2015.

P.C.

Heard. This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No.297 f 2014 registered at Walchandnagar Police Station for the offences punishable under Sections 143, 147, 148, 149, 324, 354A, 323, 504, 506 of IPC and under Sections 3(1)(x) and 3(1)(xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is the case of the prosecution that on 13.11.2014, Tai Ramchandra Sonawane lodged a report at the police station alleging herein that on the same day, i.e.13.11.2014, at about 4 – 4.30 p.m., she had been to her agricultural land. When she returned home, she saw the present applicant and his associates. They

informed her that they have abducted the wife of Dilip Jaysing. They had referred to Dilip Jaysing by his caste as Mangta and thereafter they had told her that they would continue with this activity in future. It is alleged that the co-accused Narayan Shelar had outraged the modesty of the complainant by pulling her sari. She rushed to her house. Her husband and relatives came ahead and rescued her. At that time, all of them were assaulted by the accused persons. According to the complainant, the applicant had humiliated her by referring to her caste.

3. The learned counsel for the applicant vehemently submits that the allegation as far as humiliation/insult by referring to her caste is concerned, is an omnibus allegation in the first information report. There is no specific overt act attributed to the present applicant. It is also stated that a cross-complaint had been filed against the complainant party on the same facts in respect of the same incident. The learned counsel submits that in fact, the complainant has admitted to satisfy her vendetta against the present applicant and others at the behest of other interested persons. It is true that there is a bar under Section 18 of the said Act for considering the application seeking pre-arrest bail. However, taking into consideration the fact that the recitals of the FIR do not spell out the specific offence under the said Act, this Court is inclined to grant pre-arrest bail.

4. The observations made hereinabove are prima facie in nature and the learned Sessions Judge shall not be influenced by the above observations while considering the application for quashing the FIR or discharge application or at the time of trial.

ORDER

- (i) The application is allowed. In the event of his arrest, the applicant be enlarged on bail on furnishing P.R Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- (ii) The applicant shall report to the concerned police station on two consecutive Sundays commencing from 25.1.2015 between 10 a.m. to 12 noon.

Application is disposed of.

(SMT.SADHANA S.JADHAV, J.)