

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAILAPPLICATION NO. 36 OF 2015

Malan Dattatraya Sapkal @ Jadhav ... Applicant
vs.
The State of Maharashtra ... Respondents

Mr.Prashant S. Hagare, Advocate for the applicant
Mr. S.S.Pednekar, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 3rd March, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending her arrest in Crime No.162 of 2014 registered with Vadgaon Nimbalkar Police Station for the offences punishable under Sections 143, 147, 148, 149, 384, 504, 506 of IPC and Sections 3(10), (5)(10) of Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act,1989 and Section 7(1)(3) of Protection of Civil Rights Act.

2. The I.O. is present in the Court. Upon instructions, the learned APP submits that the complainant has filed an affidavit before the Special Executive Magistrate wherein the complainant has specifically stated that at the behest of

some of the anti-social elements in the village, she has filed a false case against the present applicant and others making out a case of non-bailable offence. She has prayed that she desires to withdraw all the complaints filed against several people by her under the provisions of Atrocities Act. It is clear from the record that the affidavit was filed on 5.2.2015. The I.O. has not yet verified the genuineness of the affidavit. However, upon perusal of the statements of the other witnesses on record, it prima facie appears that there was some dispute of a civil nature between the parties and that the complainant has filed the present case against the applicant and others. Be that as it may, a case of custodial interrogation is not made out.

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

ORDER

(I) The application is allowed. In the event of 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 as and when called.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)