

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.129 of 2015

Mr. Shantaram Kaluram Badhe ...Applicant.

vs.

State of Maharashtra ...Respondent.

Mr. R.N.Gite for the Applicant.

Mr. Arfan Sait, APP. for the State.

CORAM : SMT. S.S. JADHAV, J.

DATE : 13 FEBRUARY, 2015.

PC:

Heard. This is an application under Section 438 of the Cr.P.C. The applicant herein apprehends his arrest in Crime No.5/2015 registered at Yavat Police Station, District Pune for offences punishable under Section 323, 506 of the Indian Penal Code and under Section 3(1)(x) of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989. Perused the papers of investigation.

2) It is the case of the prosecution that on 17/1/2015 Sachin Pol lodged report at the police station alleging therein that at about 10.30 a.m. he was sitting along with his friend and discussing about the elections of the Co-operative Society. They were joking between themselves. The applicant was passing by the road. He came to the

complainant and asked him as to why he is laughing. On that, the accused applicant had made reference to the caste of the complainant and had threatened him of dire consequences in the eventuality he laughed at spot.

3) Learned Counsel for the applicant submits that the elections of the credit society were to be held on 21/21/2015. That the applicant belongs to the rival group. The elections are over. The group of the complainant has been elected unopposed. According to the learned counsel for the applicant, the initiation of the criminal prosecution is an outcome of the political rivalry in the village and therefore, prays for grant of pre- arrest bail.

4) Learned A.P.P. submits that the FIR discloses that there has been reference to the caste of the complainant and in view of this the applicant cannot seek pre-arrest bail due to embargo of Section 18 of the said Act.

5) Upon perusing the papers of the investigation, it prima facie appears that it was trifling incident. The allegation of threat was not only because the complainant belonged to Scheduled Caste but because of the political rivalry between the parties. Taking into consideration the facts of the present case, this Court is inclined to

grant pre arrest bail in favour of the applicant. It is necessary to protect the liberty of the applicant in the present case to maintain the peace and harmony in the village as the elections are already over. Learned A.P.P. submits that certain conditions be imposed to avoid any unwarranted situation.

6) The observations made herein above are prima facie in nature and restricted to the application under Section 438 of the Cr.P.C. The applicant shall not rely upon the said observations for the purpose of quashing of FIR under Section 482 of the Cr.P.C. discharge application or at the time of trial.

ORDER

- a) Application is allowed.
- b) In the event of arrest, the applicant be enlarged on bail on furnishing bond in the sum of Rs.15,000/- with one or two sureties in the like amount. The applicant shall report to the concerned police station every alternate day for a period of two weeks commencing from 18/2/2015 between 10.00 to 12.00 noon.
- c) Application is disposed of.

(SMT. S.S. JADHAV, J.)