

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 332 OF 2015

Shri Arun Kisan Tidke	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

Mr.M.S.Karnik a/w Mr. Sachin Gite, Advocate for the applicant
Ms. Veera Shinde, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 4th March, 2015.

P.C.

Heard. This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 21.1.2015 in Crime No.149 of 2014 registered at Dindori Police Station, District Nashik, for the offence punishable under Section 354(d) of IPC. The investigation is completed and charge sheet is filed.

2. It is the case of the prosecution that on 30.10.2014, the prosecutrix lodged a report at the police station alleging therein that she is working as a sweeper/cleaner in Hotel Arti. On 29.10.2014, when she was working she had gone to answer nature's call to the washroom. It is alleged that the applicant had followed her and tried to pull her by his hand. She rescued herself and raised hue and cry. Upon seeing the other staff reaching the spot, the applicant fled away. On the basis of his report, Crime No.149 of 2014 is registered against the

applicant under Section 354(d) of IPC.

3. In the course of investigation, it has transpired that the complainant belongs to Scheduled Caste and hence the provisions of the Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were invoked.

4. The learned counsel for the applicant rightly submits that Section 354(d) of IPC is a bailable offence under Section 18 of the Atrocities Act and there is a bar to consider the application under Sec. 438 of Cr.P.C. However, in the present case, the applicant has been in jail since 21.1.2015 and charge sheet is filed. The applicant has made out a prima facie case for grant of bail.

ORDER

The application is allowed. 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.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)