

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 231 OF 2015

Sanjay Munal Nimse	...	Applicant
vs.		
The State of Maharashtra	..	Respondent

Mr. Prakash Naik a/wMr. Pawan Mali for the applicant.
Mr. S.H.Yadav, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 10th June, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C.

2. The applicant herein is apprehending his arrest in C.R.No.44 of 2015 registered at Shahapur Police Station, Thane, for the offences punishable under Sections 147, 148, 149, 504, 336, 506, 326, 427 of IPC read with Section 3(i)(x) and 6 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is the case of the prosecution that on 4.2.2015, Harischchandra lodged a report at the Shahapur Police Station alleging therein that on 20.1.2015, there was an accident in which one Prashant aged about 4 years son of Kamlakar died on the spot. The accident was caused by a Swift Desire car owned by Shri Bhaskar Khandu Barora. The

complainant had made sincere efforts to help the victim and find out the details of the car which had caused the accident. The complainant had visited the police station and given details of the car. It is alleged that the present applicant had threatened the complainant with dire consequences. It is further alleged that on 4.2.2015, the complainant and his nephew had visited the shop of Sai Graphics for preparing banners to be exhibited in the morcha to be held on 11.2.2015. At about 4.30 p.m. on that day, it is alleged that the applicant had approached the complainant and had picked up a quarrel on the ground that he had helped the police and had abused him. That there was a verbal altercation between them. It is alleged that the complainant had also sustained injuries in the said altercation. According to the complainant, he was humiliated by reference to his case. On the basis of his report, Crime No.44 of 2015 was registered for the alleged offence.

4. The learned counsel for the applicant has drawn attention of this Court to the recitals of the FIR wherein no particulars have been given about the nature of abuses hurled at the complainant. All that is stated in the FIR is that there was an abuse by reference to his caste. According to the learned counsel in the absence of necessary details to show as to how the complainant was humiliated or insulted as referring to his caste which

cannot be said to be an offence punishable under the Atrocities Act is made out.

5. By an order dated 17.2.2015, the present applicant was protected by this Court (Coram Revati Mohite Dere,J.). It is not disputed that the applicant has complied with the order dated 17.2.2015 in respect of the allegations under Sec. 326 of IPC. It is clearly seen that the complainant had sustained abrasions and therefore, no offence under Section 326 of IPC could be made out. In the abovementioned premises, the applicant has made out a case for grant of pre-arrest bail.

ORDER

(i) 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 as and when called.

Application is allowed and disposed of.

(SMT.SADHANA S.JADHAV, J.)