

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.581 OF 2015

Ratan Babulal Parekh & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.S.R Chitnis, Sr. Adv. i/b A.S. Sawant for the Applicant

Mr.J.H. Ramugade, APP, for Respondent – State

Mr.R.T. Pandhare – PO/2157, Karjat police station – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 17, 2015**

P.C.:

1. The applicant/accused apprehends arrest in C.R. No.7 of 2015 registered at Karjat police station as he is facing prosecution under section 3(1)(10) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, which is non-bailable. The applicant/accused is the uncle of the prosecutrix who has lodged a complaint of rape against the son of the present complainant Rahul Dalimbkar. On 10.4.2015, the niece of the applicant/accused gave complaint to the police which was registered at C.R. No.59 of 2015 at Karjat police station under section 376(1) of the Indian Penal Code also under sections 3, 4, 8, 11 and 12 of the the Protection of Children from Sexual Offences Act, 2012 and also under

sections 3 and 25 of the Arms Act against the son of the applicant/accused. Immediately on the second day, i.e., on 11.4.2015, the father of the boy i.e., the present complainant, booked the applicant/accused who is the uncle of the prosecutrix for addressing him by his caste.

2. The learned Senior Counsel for the applicant/accused has submitted that the complaint lodged against the applicant/accused is false. He is ready to abide by the conditions imposed by this Court. It is a counter blast of the complaint filed by the niece of the applicant/accused against the son of the complainant.

3. The learned Prosecutor has opposed the application and insisted that there is a bar in granting pre-arrest bail under section 18 of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

4. Perused the present FIR and so also the FIR of rape in C.R. No.59 of 2015. Considering the time sequence and scenario of the incidents, the possibility of false implication may not be overruled. Under such circumstances, the bar under section 18 of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 can be lifted. Hence, I confirm the interim order passed by this Court with the same terms except that the

applicant shall attend the concerned police station of every Thursday, till filing of the chargesheet from 5pm to 6pm. Further, he shall not pressurise the witnesses or the complainant or any witness.

5. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)