

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 617 OF 2015

Navnath Mahadu Kothule	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Chetan G. Patil, Advocate for the Applicant.
Mr. J.H. Ramugade, APP for Respondent – State.
I.O. Mr. Kiran S. Meher, P.S.I., Trimbakeshwar Police Station, Nashik present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JUNE 15, 2015**

P.C.:

In this Application for pre-arrest bail under section 438 of Cr. P.C., the applicant/accused seeks protection for the offences punishable under sections 354, 504, 506 and under section 3(1)(x) of Scheduled Castes and Scheduled Tribes Act and under section 7(1)(3) of Protection of Civil Rights Act.

2. The learned counsel for the applicant/accused pointed out that the brother of the applicant/accused has given the first information in respect of other offences on 13rd February, 2015 at 21.05 hours, as the incident of assault has taken place on the same day at 7.30 p.m. in the house of the applicant/accused. He submitted that as a counter blast, the present FIR was given on the next day, which is false.

3. Learned APP opposed the Application especially considering the bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for granting pre-arrest bail.

4. Perused the present FIR in C.R. No. I-15 of 2015 dated 14th February, 2015 registered at Trimbakeshwar Police Station, Nashik. So also perused the earlier FIR which is at C.R. No. I-14/2015 dated 13th February, 2015 registered at Trimbakeshwar Police Station, Nashik. On perusal of the FIR and the contents therein, the possibility of false prosecution *prima facie* cannot be overruled. Hence, bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 *prima facie* may not be invoked while entertaining Application under section 438 of the Cr. P.C. Hence, I confirm the interim bail granted to the applicant/accused with same bail bond and surety. The applicant/accused is directed to attend the concerned police Station on 18th June, 2015 and 25th June, 2015 between 5 to 6 p.m.

5. The Application for anticipatory bail stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)