

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 622 OF 2015

Pramod Kaluram Baswant. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Kedar J. Patil a/w. Devidas Botkondle a/w. Ms. Bharadi Trupti,
advocate for Applicant.

Mr. S.H. Yadav, APP for State.

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

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 66 of 2015 registered at Shahapur Police Station for
offence punishable under Section 392, 323, 504, 506 read with
Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that the present complainant is not on cordial term with the present applicant. That a Civil Suit bearing No. 26 of 2005 filed by the complainant against the sarpanch of Khatghar Grampanchayat is pending and it pertains to a land bearing survey No. 243. According to the complainant, he had been to the office of TILR on 4th March, 2015 to enquire about the applications filed by him. It is alleged that the present applicant and the co-accused i.e. Motilal Zipa Wagh had also been in the office of TILR and that they had raised quarrel. There was an altercation between the complainant and the present applicant and his friend. It is alleged that the present applicant has snatched the golden chain from the person of the complainant and had also damaged his spectacles and had given fist blows to the complainant. On the basis of his report, crime No. 66 of 2015 was registered.

4 The learned Counsel for the applicant submits that in fact on the same day i.e. on 4/3/2015 Motilal Wagh had lodged a report at

the police station alleging therein that the complainant Ananta Lahu Baswant had abused Motilal Wagh by referring to his caste and had humiliated and insulted him in public view and hence, committed an offence under Section 3(1)(10) of the Schedule Castes and Schedule Tribe (Prevention of Atrocities) Act, 1989.

5 According to the learned Counsel for the applicant, the present report is lodged as a counter-blast to the report lodged by the Motilal Zipa Wagh. The learned Counsel submits that complainant Ananta Lahu Baswant has blown the incident out of proportion and has falsely implicated the present applicant.

6 Taking into consideration the facts of the case and the submissions advanced across the bar, the applicant has made out a prima facie case for grant of pre-arrest bail.

7 The observations made hereinabove are prima facie in nature. The same shall not be considered at the time of hearing the application for discharge or quashing of FIR or at the time of trial.

8 Hence following order is passed:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 66/2015 registered at Shahapur Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on every Sunday between 10 a.m. to 12 noon for one month.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)