

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 747 OF 2015

Dhondiram Krishnarao Doifode	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Ishwar S. Charlekar, Advocate for the applicant.
Mr. J.H. Ramugade, APP for the State.
Mr. Vidyadhar Gangurde, Advocate for the complainant.

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

P.C.:

This Application is moved under section 438 of the Criminal Procedure Code, as the applicant/accused apprehends arrest in C.R. No. 31 of 2015 registered on 22nd April, 2015 for the offences punishable under sections 323, 504, 506 of the Indian Penal Code, under section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under section 7(1)(3) of Protection of Civil Rights Act. The incident of assault and abusing the complainant by his caste has taken place on 19th April, 2015 at his residence at around 12.30 night.

2. This being the offence under the Scheduled Castes and Scheduled Tribes Act, it is necessary to verify whether the bar under section 18 can be invoked or not due to any *prima facie* strong circumstances.

3. The learned counsel for the applicant/accused pointed out that immediately after the alleged incident which has taken place at the midnight of 19th April, 2015, the complainant gave information to the police of Vaduj Police Station and non-cognizable offence bearing no. 219 of 2015 was registered under sections 504, 506, 323 of the Indian Penal Code. He produced the copy of the said NC Report. The learned counsel submitted that in NC Report, nothing is mentioned in respect of utterance which are alleged in second FIR. He submitted that second complaint registered at C.R. No. 31 of 2015 at Vaduj Police Station, Satara is after thought and false.

4. Learned APP opposed the Application.

5. The learned counsel for the complainant also supported the prosecution.

6. Perused the contents in the NC Report. No utterance addressing the complainant by caste is mentioned in the said complaint, which is the first in time and was lodged immediately after the incident. In view of this, *prima facie* the offence under Scheduled Castes and Scheduled Tribes Act appears doubtful and bar under section 18 of the said Act cannot be invoked. Hence, I am inclined to grant anticipatory bail to the

applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs. 20,000/-, with one surety in the like amount;
- (iii) The applicant/accused shall not commit offence much less the offence of similar nature.
- (iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Wednesday between 6 p.m. to 7 p.m. for one month.

(MRS.MRIDULA BHATKAR, J.)