

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1164 OF 2015

Vilas Sidram Nalla ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.P.G. Sarda for the Applicant
Mr.S.S. Pednekar APP, for Respondent – State

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

DATE: **AUGUST 11, 2015**

P.C.:

1. The application is moved for pre-arrest bail as the applicant/accused is facing charges under sections 354, 323, 504, 506 of the Indian Penal Code and also under sections 3(1)(x) and 3(1)(xi) of the the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989. The complainant, one Ambubai Prakash Kamble, has stated that she received a phone call from daughter Pooja that when she asked for raw material from the applicant/accused, he abused her by caste. Thereafter, the complainant went there and questioned the applicant/accused. At that time, he assaulted her and, therefore, she gave the complaint.

2. The learned Counsel for the applicant/accused submits that he has moved this application as his application for interim protection was

rejected by the learned Special Judge, Solapur dated 4.8.2015. He submitted that today the matter is fixed for reply of the prosecution on the final hearing of the bail application before the learned Special Judge.

3. Learned Prosecutor has opposed the application on the ground that there is a bar under section 18 of the the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 to entertain pre-arrest bail application under section 438 of the Criminal Procedure Code.

4. Perused the FIR dated 1.8.2015 given by Ambubai Kamble. The statement of Pooja is not before this Court. As the contents of the FIR appear to be hearsay and as the necessary statements are not before this Court, bar under section 18 can be temporarily lifted and pre-arrest bail can be granted till the final disposal of the application pending before the learned Special Judge. In the circumstances, pre-arrest bail is granted till the final disposal of the application pending before the learned Special Judge, on the following conditions:

- i) 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 or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;

- iii) The applicant shall not indulge into any kind of offence while on bail;
 - iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Saturday, between 4 pm to 6 pm, till final decision by the learned Special Judge.
5. Anticipatory Bail Application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)