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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 213 OF 2016

Madhavrao S/o Wamanrao Pawade ...APPLICANT

VERSUS

The State of Maharashtra ...RESPONDENT

Mr R. N. Dhorde, Senior Advocate, instructed by Mr V. S. Kadam,
Advocate for applicant;
Mr S. M. Ganachari, Addl. Public Prosecutor for respondent;
Mr S. S. Panale, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 28th January, 2016

ORDER :

Heard learned Counsel for respective parties.

2. By this application under section 438 of the Code of Criminal Procedure, the applicant seeks his release on pre-arrest bail, in connection with C.R. No.201 of 2015, registered with police station, Bhagyanagar, Nanded, for offences punishable under sections 395 and 323 of the Indian Penal Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The incident is alleged to have taken place on 17th December, 2015, for which first information report has been lodged on 22nd December, 2015.

4. Perusal of the first information report depicts that the presence of

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the applicant is attributed at the scene of the offence. There are specific allegations against one Mangesh for uttering the caste based insulting abuses.

5. So far as the role ascribed to the applicant in the first information report is concerned, it is noted that the applicant along with fifteen persons has assaulted the complainant. If the nature of assault claimed in the first information report is verified with reference to the investigation papers, particularly the medical certificate, there is hardly anything to infer direct involvement of the applicant in commission of the crime in question. There is only omnibus statement against the applicant.

6. So far as the offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is concerned, there are no attributions against the present applicant.

7. In that view of the matter, in my opinion, it will be appropriate to enlarge the applicant on pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.201 of 2015, registered with police station, Bhagyanagar, Nanded, for offences punishable under sections 395 and 323 of the Indian Penal Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he be released on bail, on furnishing P.R.

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Bond of Rs.25,000/- with one surety in the like amount.

The applicant shall attend the concerned police station, initially from 8th to 10th February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Till filing of the charge-sheet, the applicant shall keep himself away from the jurisdiction of the concerned police station.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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