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

CRIMINAL APPLICATION NO. 272 OF 2016

1. Shashi s/o Nanabahau Rajput,
2. Yogesh s/o Nanabhau Rajput,
3. Nanabhau s/o Verna Rajput,
4. Nandu @ Padamsingh Dhajbhau Rajput,
5. Gopal Dnyaneshwar Rajput,
6. Dnyaneshwar Narsingh Rajput,
7. Pramod Narayan Rajput ..APPLICANTS

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

Mr Y.B. Bolkar, Advocate for applicants;
Mr M.B. Bharaswadkar, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 4th February, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.155 of 2015, registered with Nandurbar Taluka Police Station, for offences punishable under sections 143, 147, 323, 504 and 506 of the Indian Penal Code, under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 7 (1) (d) of the Protection of Civil Rights Act.

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2. Learned Counsel appearing on behalf of the applicants would urge that the applicants are falsely implicated in the crime, particularly in the matter of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, as there are omnibus statements made against them and no specific role is attributed to each of them.

3. Learned Counsel has placed reliance upon the judgment of this Court, in the matter of **Shashikant Ramhari Tambe & ors. vs. State of Maharashtra**, reported in **2008 (0) BCI 418**.

4. Learned Addl. Public Prosecutor submits that custodial interrogation of the applicants is necessary, in view of bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, in the matter of entertaining an application for grant of pre-arrest bail. He then would urge that the injury certificate depicts involvement of the applicants in the crime in question.

5. Perused the investigation papers.

6. The complainant has suffered trauma type injury, which is simple in nature. In view of omnibus allegations made in the first information report in relation to caste based insulting abuses, in my opinion, in the light of the judgment in the matter of Shashikant (supra), the applicants cannot be claimed to have been involved in the offence punishable under the

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Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

7. Looking to the nature of simple injuries, section 323 of the Indian Penal Code, which is applied in the matter, is a bailable offence.

8. In the above background, in my opinion, it will be appropriate to direct release of the applicants on pre-arrest bail. Thus, the following order :-

In the event of arrest of the applicants, in connection with C.R. No.155 of 2015, registered with Nandurbar Taluka Police Station, for offences punishable under sections 143, 147, 323, 504 and 506 of the Indian Penal Code, under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under section 7 (1) (d) of the Protection of Civil Rights Act, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall not enter village Khokrale, Taluka and District Nandurbar, till filing of the charge-sheet.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj