

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1312 OF 2016

Rajendra s/o Ambadas Vahatule,
Age : 38 years, Occu. Service,
R/o Plot NO. 707/2, Behind
Sant Vishram Baba School,
Nandanvan Colony, Aurangabad

APPLICANT

VERSUS

The State of Maharashtra,
through Police Inspector,
Kranti Chowk Police Station,
Aurangabad

RESPONDENT

Mr. V.D. Sapkal, Advocate for the applicant

Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 11/03/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant who is apprehending his arrest at the hands of Kranti Chowk Police Station, Aurangabad in Crime No. 0175/2016 registered for the offences punishable under section 323, 504, 506 of the Indian Penal Code and under section 3 (1) (x) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is praying for his release on bail in the event of his arrest.

3. The complaint of Suresh Sitaram Jadhav, the Secretary of S.T. Workers Congress (INTUC) would show that on 12th February, 2016, he alongwith some of the office bearers went to the cabin of officer Mr. Athawe. At that time, the present applicant was sitting there. The present applicant also appears to be the regional secretary of the rival union i.e. S.T. Employees Congress.

. It is alleged that altercation took place between the complainant and the present applicant in which he inter alia insulted the complainant over his caste as he (complainant) belongs to Mahar caste.

4. Mr. V.D. Sapkal, learned counsel for the applicant submits that in fact, the counter complaints were filed regarding the same incident. He submitted that in the incident, the complainant and his companion themselves have quarrelled with the present applicant and false complaint came to be filed.

5. Learned A.P.P. opposed the application.

6. Perused the case papers and more particularly the statement of officer Mr. Datta D. Athawe in whose cabin, the incident took place. The statement would show that there was merely verbal exchanges and there was no insult over the caste directed against the complainant in his cabin. Considering all these facts on record, in my view, the custodial interrogation of the present applicant is not required. Hence, the following order.

7. In the event of arrest of the present applicant in Crime No. 0175/2016 registered with Kranti Chowk Police Station, Aurangabad, for the offences punishable under section 323, 504, 506 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 his executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

. The applicant shall attend the investigating officer as and when reasonably called by him for the purpose of investigation/interrogation.

8. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

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