

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1363 OF 2016

Shri Shivaji Shyamrao Chaudhari
Age : 35 years, Occu.: Service,
R/o. Jadhav Wadi, Surya Wadi,
Galli No.7, Harsul, Aurangabad,
Taluka and Dist. Aurangabad

.. Applicant

VERSUS

The State of Maharashtra,
through Police Station, Harsul,
Aurangabad

.. Respondent

Mr. M.M. Bhokariker, Advocate for the applicant
Mr. A.S. Shinde, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 13/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is apprehending arrest at the hands of Harsul Police Station, Dist. Aurangabad in crime no.I-18 of 2016 for the offences punishable under section 354, 323, 504, 506 r/w. 34 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 filed by the victim of the offence would show that the present applicant, due to the old acquaintance, had the mobile number of the victim with him. He started pressurizing the victim by asking her to seek divorce from her husband and to marry with his brother. In the circumstances, on 26/01/2016, when the victim did not reply his call on the mobile, he came in front of her house and in the incident, he caught her hand and dragged her towards him. In the said incident, he also insulted over her caste, which is a scheduled tribe and also threatened to commit her murder. Therefore, the offence came to be registered.

4. Learned counsel for the applicant Mr. Bhokarikar submits that the affidavit filed by the applicant on 28/03/2016 would clarify the facts that he has not done any acts, as alleged in the application.

5. In view of certain statement made regarding the facts in paragraph no.6 of the said affidavit, the Investigating Officer has even recorded the

supplementary statement of the complainant, wherein she had again reiterated that she had filed the complaint in the said offence and on 15/02/2016, the present applicant has executed an agreement on stamp paper of Rs.100/-, that in future, he would not keep any contact with her. Thereafter, however, again on 18/02/2016, the applicant over the mobile phone, threatened her to withdraw her complaint, else he would kill herself and her children.

6. In support of his contention, Mr. Bhokarikar also relied on the following authorities :

i) ***"Vilas Pandurang Pawar and anr. Vs. State of Maharashtra and others" AIR 2012 S.C. 3316***

ii) ***"Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others" AIR 2011 S.C. 312***

iii) ***"Asmathunnisa Vs. State of A.P." AIR 2011 S.C. 1905.***

7. The facts in the present case, however, would show that the FIR prima facie discloses the offence punishable under section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act.

8. Upon hearing both sides and considering that there is a prima facie case disclosed in the FIR, anticipatory bail cannot be granted to the present applicant. Hence, the following order:-

9. Criminal Application is dismissed.

10. Interim protection granted to the applicant by this Court, vide order dated 03/03/2016 stands vacated.

[M.T. JOSHI]
JUDGE

arp/