

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 1762 OF 2016

ANUP S/O. ASHOK BIHANI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Vinayak Sudhakar Bedre.
APP for Respondent : Mr. A. R. Borulkar.
Advocate for Complainant / Intervenor : Mr. V. P. Latange.

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WITH

CRIMINAL APPLICATION NO. 1732 OF 2016

NAMDEO S/O. RAGHU KHARADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. P. N. Sonpethkar.
APP for Respondent : Mr. A. R. Borulkar.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 28th April, 2016.

ORDER:

. These are applications for pre-arrest bail in Crime No.II-18 of 2016 registered at Rahuri Police Station, District Ahmednagar for the offence punishable under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 506 read with 34 of the Indian Penal Code.

2 Heard the learned counsel for parties. Perused papers of investigation.

3 It appears from FIR lodged on 12th February, 2016 by Dilip Kasbe that since 2012 till 18th January, 2016 Applicants were insulting and abusing him in the name of caste. Applicants used to threaten Complainant and did not allow him to continue with his work when he was working as headmaster of school. It is alleged in FIR that Complainant was illegally dismissed from the service.

4 On the report above said offences were registered against Applicants and Chairman of Society. Applicants in Criminal Application No.1762 of 2016 are office bearers of Society whereas Applicants in Criminal Application No.1732 of 2016 are employees working in the school.

5 It is apparent from FIR that alleged abuses on caste were hurled from time to time from 2012 to 18th January, 2016. There is considerable delay in lodging FIR. No particular instances have been quoted as to when, where and in what manner Applicants insulted the Complainant on caste.

6 Further it can be seen from papers annexed with

applications that Complainant was dismissed from service on 18th January, 2016. He has challenged his dismissal and proceedings are pending before the Tribunal.

7 In the above premise this Court finds that *prima-facie* involvement of Applicants in alleged crime is not well founded and provisions of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act would not attract. On the basis of factual details placed on record this Court is inclined to allow the applications. Hence the following order –

ORDER

- I. Criminal Application Nos.1762 of 1732 of 2016 are allowed.
- II. In the event of arrest of Applicants in Crime No.II-18 of 2016 registered at Rahuri Police Station, District Ahmednagar for the offence punishable under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 506 read with 34 of the Indian Penal Code, they shall be released on bail on P.R. and

S.B. of Rs.15,000/- (Rupees Fifteen Thousand Only) each..

III. Applicants shall cooperate the investigating agency for further investigation / interrogation.

[INDIRA K. JAIN, J.]

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