

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1808 OF 2016
(Bhavdu Babu Koli and others Vs. The State of
Maharashtra)

Mr. G.J. Karne, Advocate holding for Mr. A.D. Raut,
Advocate for the applicants

Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 21/04/2016

ORAL ORDER :

1. Heard on 18th April, 2016.
2. The present applicants who are apprehending their arrest at the hands of Sindhkheda Police Station, District Dhule in Crime No. 32/2016, registered for the offences punishable under section 143, 147, 148, 149, 452, 324, 323 of the Indian Penal Code and under section 7 (1) (D) of Protection of Civil Rights Act and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, are praying for their release on bail in the event of their arrest.
3. The complaint would show that the present applicants alongwith nine other persons had barged in

the house of the complainant on 28th February, 2016. Thereafter the complainant was dragged to the road and was beaten with sticks. Since the complainant belongs to Mahar caste, he was thereafter insulted over his caste. The said offence punishable under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was also added.

4. Learned counsel for the applicants submitted that only out the previous enmity, the complaint is filed. It was further submitted that the contents of the FIR are vague. The allegations are not believable. Some of the co-accused were released on bail upon their arrest on the same day. The property involved in the offence i.e. the sticks, etc. has been already seized. The present applicants also belong to Scheduled Tribe. He, therefore, submitted that the applicants be released on bail in the event of their arrest.

5. Learned A.P.P. opposed the application. He submitted that the FIR would prima facie show that the complainant, who belongs to Scheduled Caste, has been insulted over his caste. The applicants are belonging to the Other Backward Class. The FIR would prima facie

show that the offence is committed.

6. Considering all the material on record, in my view, this is not a fit case to release the applicants on anticipatory bail. The application is, therefore, dismissed.

[M.T. JOSHI]
JUDGE

npj/criapln1808-2016