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

CRIMINAL APPLICATION NO.2829 OF 2015

Sudhakar s/o Dadaba Borude

..APPLICANT

VERSUS

Shivnath s/o Raghunath Avhad & ors.

..RESPONDENTS

Mr N.C. Garud, Advocate for applicant;
Ms Suvarna Wadkar, Advocate holding for Mr S.S. Jadhavar, Advocate for
respondents no.1 to 5;
Mr U.S. Mote, Addl. Public Prosecutor for respondent no.6

CORAM : N.W. SAMBRE, J.

DATE : 5th January, 2016

ORDER :

By the present application under section 439 (2) of the Code of Criminal Procedure, the applicant – complainant seeks cancellation of pre-arrest bail granted to respondents no.1 to 5, in connection with C.R. No.89 of 2015, registered with Pathardi police station, by order dated 30th April, 2015, passed by learned Additional Sessions Judge, Ahmednagar, in Criminal Misc. Application No.306 of 2015.

2. The only ground that is canvassed by the learned Counsel appearing on behalf of the applicant for cancellation of bail is attraction of bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

(2)

3. In support of his contention, the learned Counsel has placed reliance upon the judgment of the Apex Court in the matter of **Vilas Pandurang Pawar & anr. vs. State of Maharashtra & ors.**, reported in **2012 (4) Mh.L.J. 707** and has invited attention of this Court to the observations made in paragraphs no.8, 9 and 12 of the said judgment.

4. Learned Counsel appearing on behalf of respondents no.1 to 5 has supported the order impugned, as according to her, perusal of the first information report prima facie does not depict compliance of requirement of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, for registration of the offence made therein.

5. Having considered the submissions made by the respective parties, particularly in the light of averments in the first information report in relation to the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, in my opinion, the learned Sessions Court was right in granting pre-arrest bail to respondents no.1 to 5.

6. No case for interference is made out. Criminal Application fails and stands rejected.

(N.W. SAMBRE, J.)

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