

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3100 OF 2016

1] Pintu @ Gitaram S/o Raosaheb Chavan

2] Anil S/o Karbhari Chavan

Both R/o Anandwadi, Tq. Georai,
Dist. Beed

.. Applicants

Vs.

The State of Maharashtra

.. Respondent

.....

Mr. Sandeep D. Munde, Advocate for the applicants

Mr. S.D. Ghayal, APP for the respondent-State

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CORAM : N.W. SAMBRE, J.

DATE : 30/06/2016

ORAL ORDER :

Heard.

2. The applicants are seeking pre-arrest bail in Crime no.34 of 2016 registered at Talwada Police Station, Tq. Georai, Dist. Beed for the offences punishable under section 354-A, 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, 1989 (for short "**Atrocities Act**"), for an alleged incident dated May 12, 2016.

3. On the date of the incident, the complainant was with her close relative – Ruksana. In the early morning, she went to answer nature's call and the applicant no.1 – Pintu Chavan tried to outrage her modesty, resulting into registration of the crime in question. It is then claimed that the complainant since belongs to Pardhi community, offence under the provisions of Atrocities Act, is also committed.

4. Perused the statement of the complainant and the alleged eye witness Ruksana. Prima facie, from the narrations of the alleged insulting utterances, which are caste based, in my opinion, provisions of offence under section 3(1)(x) of the Atrocities Act are not attracted.

5. So far as the remaining sections under the Indian Penal Code are concerned, the offences are bailable one. In view thereof, the following order:-

6. In the event of the arrest of the applicants in Crime no. 34 of 2016 registered with Talwada Police Station, Tq. Georai, Dist. Beed for the offences punishable under section 354-A, 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, 1989, they be released on bail upon their executing P.R. bonds in the sum of Rs.15,000/- (Rs. Fifteen Thousand) each with one surety each in the like amount.

7. The applicants shall attend the concerned Police Station as and when called by the Investigating Officer.

8. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-