

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

CRIMINAL APPLICATION NO. 3234 OF 2016

1. Ashwini w/o Narayan Mule,
R/o. Hiwra (Kh), Tq. Ambejogai,
Dist. Beed.
 2. Yogiraj s/o Maruti Chavan,
R/o. Palaskheda, Tq. Kaij,
Dist. Beed.
- ...Applicants

versus

The State of Maharashtra
through the Police Station,
Yusuf Wadgaon, Dist. Beed & anr.

...Respondents

.....
Mr. S.J. Salunke, Advocate for applicants
Mr. A.S. Shinde, A.P.P. for respondents
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CORAM : N.W. SAMBRE, J.

DATE : 24th JUNE, 2016

ORAL ORDER :

The applicants are seeking pre-arrest bail in Crime No. 52 of 2016 registered with Yusuf Wadgaon Police Station, District Beed, for an offence punishable under Sections 354, 354-A (4)(B), 354(b), 323, 504 read with Section 34 of the Indian Penal Code and under Section 3(1)(xi), 3(1)(i)(r), 3(1)(i)(s), 3(1)(w)(ii), 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. As per prosecution case, the alleged incident took place

during monthly meeting of Grampanchayat on 21/05/2016. It is alleged that the complainant Rani Ujagare and her husband belong to backward category, who were insulted by uttering humiliating words by the applicants. While trying to make out case for grant of bail, learned Counsel for the applicants submits that the applicants are falsely implicated in the crime in question. According to him, applicant No.1 is a Grampanchayat Member, whereas applicant No.2 is father in law of Gramsevika. He would then submit that there is another crime bearing Crime No. 43 of 2016 for the offence punishable under Sections 353, 342, 332, 143, 323, 506 of the Indian Penal Code, as is apparent from the contents of the first information report. It is brought to my notice that Gramsevika has lodged the said complaint, in which Sarpanch, her son and present complainant and her husband are shown to be an accused. The said offence came to be registered prior in point of time and with false implication, present crime is registered.

3. Learned A.P.P. opposed the application on the ground of operation of Section 18 under Atrocities Act. He would then submit that there are three eye witnesses to the incident and so as to substantiate the offence under Section 354 of the Indian Penal Code, blouse and saree of the complainant is seized. He would then submit that custodial interrogation of the applicants is very much necessary

and the application be rejected.

4. Having bestowed my thought to the submissions made and having perusal of the investigation papers, it is required to be inferred that the applicants are entitled for bail for the following reasons.

5. The complainant and her husband including that of Sarpanch Vimal and her son are accused in Crime No. 43 of 2016, which daughter in law of applicant No. 2 Yogiraj is complainant. There is one more angle in the incident in question i.e. village politics. The members of village panchayat appears to be divided either on the side of applicants and Gramsevika or that Sarpanch. Two eye witnesses who claims to be member of Grampanchayat and Rajeshwar, husband of complainant Rani, have stated in favour of prosecution story. The fact remains that Ashwini, applicant No. 1 is grampanchayat member and perhaps from the group of Gramsevika.

6. In the above referred back ground, prima facie, looking to the condition of property seized, in my opinion, false implication of the applicants, cannot be ruled out.

7. In view of above, in my opinion, it will be appropriate to

grant protection to the applicants. Hence, the following order :-

(i) In the event of arrest, the applicants be released on bail, in connection with Crime No. 52 of 2016 registered with Yusuf Wadgaon Police Station, District Beed, for an offence punishable under Sections 354, 354-A (4)(B), 354(b), 323, 504 read with Section 34 of the Indian Penal Code and under Section 3(1)(xi), 3(1)(i)(r), 3(1)(i)(s), 3(1)(w)(ii), 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them.

(ii) The applicants shall attend the concerned police station on 7th and 8th June, 2016 and thereafter as and when called by the Investigating Officer.

(iii) The applicants shall not tamper with the prosecution evidence.

8. The criminal application stands allowed in above terms.

[N.W. SAMBRE, J.]