

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

CRIMINAL APPLICATION NO.3610 OF 2016

Rushikesh s/o Yogiraj Chavan,
Age 31 years, Occu. Service,
R/o Palaskheda, Taluka Kaij,
District Beed

..Applicant

Versus

1. The State of Maharashtra,
Through Police Station,
Yusuf Wadgaon, Dist. Beed

2. The Superintendent of Police,
Beed, District Beed

..Respondents

Mr S.J. Salunke, Advocate for applicant
Mr S.Y. Mahajan, A.P.P. for respondents

CORAM : V.K. JADHAV, J.
DATE : 19th July 2016

PER COURT

Heard learned Counsel for the applicant and learned A.P.P. for the respondents.

2. The applicant is seeking pre-arrest bail in connection with Crime No.52/2016 registered at Yusuf Wadgaon Police Station, District Beed, for the offences punishable under Sections 354, 354-A (4) (B) 354 (B) 323, 504 read with Sec.34 of the Indian Penal Code and under Section 3(1)(d)(xi), 3(1)(I)(R), 3(1)(s), 3(1)(w)(ii), 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The application filed by the applicant with similar prayer came to be rejected by Additional Sessions Judge, Ambajogai vide order dated 18th June 2016 passed below Exh.1 in Misc. Cri. Application No.199 of 2016.

4. On the basis of the complaint lodged by one Rani Rameshwar Ujgare, the aforesaid crime came to be registered at Police Station Yusuf Wadgaon, District Beed. It has alleged in the complaint that on 21st May 2015, the incident has taken place in the monthly meeting of Gram Panchayat held in the primary school of Zilla Parishad at Hiwra. It has further alleged in the complaint that in the quarrel, the present applicant has abused the complainant on her caste basis and further dragged her in the vacant room of said Zilla Parishad school and torn her blouse by pulling her saree. On the basis of these allegations, present applicant apprehends his arrest at the hands of Police.

5. Learned Counsel for the applicant submits that the applicant is serving as Assistant Teacher at village Mohakhed, Taluka Dharur, District Beed. His wife is serving as Gramsevika in Gram Panchayat of village Hiwra (Kh.), Taluka Ambajogai, District Beed. Learned Counsel further submits that in respect of the incident occurred on that day, wife of the applicant has lodged the complaint in the Police Station against the present complainant - Rani Rameshwar Ujgare and six others and on the basis of her complaint, Crime No.43 of 2016 came to be registered in the said Police Station, for the offences punishable under Sections 353, 342, 332, 143, 323 and 506 of the Indian Penal Code. Learned Counsel submits that the present complaint is the outcome of political rivalry and in order to give counter-blast to the complaint filed by the wife of the applicant. He submits that even on the given set of allegations, the custodial interrogation of the present applicant is not required. Learned Counsel submits that the applicant is ready to abide the conditions if imposed by this Court.

6. The learned A.P.P. submits that there is a strong prima facie case against the present applicant. He has not only abused the complainant on her caste but in the broad day light dragged the complainant in the vacant room of the Zilla Parishad School and torn her blouse by pulling her saree. He submits that there can be law and order problem in the village, if the present applicant is granted pre-arrest bail.

7. It appears from the complaints lodged by both the group against each other that there is political rivalry between the two groups. Thus, the possibility of the exaggeration in the allegations cannot be ruled out. The complaint lodged by the wife of the applicant is earlier in time and on the basis of said complaint, Crime No.43 of 2016 came to be registered not only against the complainant in Crime No.52 of 2016, but also against the persons to whom the complainant Rani Rameshwar Ujgare referred in the complaint as witnesses. In the given set of allegations, the custodial interrogation of the applicant is not required. The accused, whose name is referred in a complaint lodged by Rani Rameshwar Ujgare i.e. Ashwini is already released on pre-arrest bail. Thus, by imposing certain conditions, the applicant is entitled to be released on pre-arrest bail. Hence, I proceed to pass the following order:

ORDER

(I) Criminal Application is hereby allowed.

(II) In the event of arrest in Crime No.52/2016 registered at Yusuf Wadgaon Police Station, District Beed, for the offences punishable under Sections 354, 354-A (4) (B) 354 (B) 323, 504 read with Sec.34 of the Indian Penal Code and under Section 3(1)(d)(xi), 3(1)(l)(R), 3(1)(s), 3(1)(w)(ii), 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the applicant - Rushikesh s/o Yogiraj Chavan be released on bail, on furnishing personal bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety of the like amount.

(III) The applicant shall not tamper with the prosecution evidence in any manner and shall make himself available as and when required by the Investigating Officer.

(IV) The applicant shall not enter within the limits of village Hiwra (Kh), Taluka Ambajogai, District Beed till further orders of this Court.

8. Criminal Application stands disposed of accordingly.

(V.K. JADHAV, J.)

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