

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

Criminal Application No. 4375 of 2016

District : Jalna

1. Radhakisan s/o. Sudamrao Jarhad,
Age : 66 years,
Occupation : Agriculture.
2. Madhav s/o. Radhakisan Jarhad,
Age : 40 years,
Occupation : Agriculture.
3. Parmeshwar @ Bapur
s/o. Jagannath Jarhad,
Age : 35 years,
Occupation : Agriculture.

All R/o. Parada,
Taluka : Ambad,
District : Jalna.

.. Applicants.

versus

The State of Maharashtra,
Through Police Station Officer,
Ambad Police Station,
Taluka : Ambad,
District : Jalna.

.. Respondent.

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Mr. P.P. More, Advocate, for applicants.

*Mr. S.D. Ghayal, Addl. Public Prosecutor,
for the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 22ND AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No. 3020/2016, for offences punishable under Sections 504, 506 read with Section 34 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 [**For short, "Atrocities Act"**], by this application, are praying for pre-arrest bail.

2. Heard the learned Counsel for the applicant as well as the learned Addl. Public Prosecutor for the respondent.

3. Perused the FIR. Averments in the FIR are to the effect that the applicant / accused went to the house of the informant and made casteist abuses. The FIR itself goes to show that the incident alleged did not happen within public view. Rest of the averments are in respect of bailable offences. The prosecuting party and accused persons were on inimical terms. Prima facie bar of Section 18 of the Atrocities Act is not applicable as the incident alleged did not take place within public view.

4. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The interim order dated 5th August 2016, granting ad interim anticipatory bail to applicants, is confirmed on the same terms and conditions.

(c) In addition, applicants shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(d) Applicants shall not tamper with the prosecution evidence in any manner.

5. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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