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

CRIMINAL APPLICATION NO. 5665 OF 2015

Babarao S/o Dadarao Pole,
Age : 46 years, Occu. Business,
R/o. Jamdaya, Tq. Sengaon,
Dist. Hingoli. … Applicant

VERSUS

The State of Maharashtra. … Respondent

.....
Mr V. M. Maney, Advocate for the applicant
Mr U. S. Mote, APP for respondent/State
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CORAM : **N. W. SAMBRE, J.**

DATE : **15TH JANUARY, 2016.**

PER COURT:

. At the very outset, the learned APP makes a statement that the investigation in the matter is already complete and the charge-sheet is also filed.

2. The applicant herein is seeking pre-arrest bail in Crime No. 52 of 2015 registered with Aundha Nagnath Police Station, Dist. Hingoli, for the offences punishable under Sections 337, 294, 504, 506 read with 34 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The said crime came to be registered on 31.07.2015 for an incident dt. 30.07.2015.

3. Shri. Maney, learned counsel for the applicants, while trying to make out a case for pre-arrest bail, would strenuously urge that perusal of FIR would depicts that the offences came to be registered in the background of political enmity between the applicant and the complainant. He would then urge, that the custodial interrogation of the present applicant is no more required particularly when the investigation in the matter is already complete and the charge-sheet is also filed. He would urge that, looking to the nature of allegations in the FIR, the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, do not attract in the present case.

4. Learned APP while opposing the application for pre-arrest bail would urge that, in view of the accusations in FIR against the present applicant about the caste-based abuses, bar u/s 18 of the Atrocities Act would be attracted and in view thereof, the present application for pre-arrest bail is liable to be rejected at the very threshold.

5. Learned APP would urge that, the complainant has suffered injuries as is depicted in the investigation papers and there being eye-witnesses to the incident, the detention of the applicant is necessary as there is *prima facie* case against him and, therefore, sought dismissal of the present application.

6. With the assistance of the learned Counsel, I have perused the investigation papers in the background of the contents of the FIR.

7. Perusal of the F.I.R. reveals that the allegations made are omnibus and sweeping**.** In my opinion, in view of law laid down by this Court in the matter of ***Shashikant Ramhari Tambe & Ors. Vs. State of Maharashtra*** reported in *2008(0) BCI 418*, the omnibus allegations would not attract bar u/s 18 of the Atrocities Act.

8. As the investigation in the matter is already complete and the charge-sheet is also filed, I am unable to get the appropriate satisfactory answer from the learned APP as to why custodial interrogation of the applicant is necessary.

9. Apart from above, it is noted that there are omnibus accusations against the present applicant as regards utterances of the caste-based abuses, bar u/s 18 of the Atrocities Act would not be attracted. In view of this, it will be appropriate, in my opinion to confirm the *ad interim* protection granted by this Court on 28th October, 2015 to the applicant herein and same is accordingly confirmed.

10. The Criminal Application stands allowed accordingly.

[N. W. SAMBRE]
JUDGE

sgp