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

CRIMINAL APPLICATION NO. 6543 OF 2015

Ajay s/o Baburam Pande

..APPLICANT

VERSUS

The State of Maharashtra & anr.

..RESPONDENTS

Mr S.S. Ladda, Advocate for applicant;

Mr S.Y. Mahajan, Addl. Public Prosecutor for respondents;

Mr A.S. Shejwal, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 19th January, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant seeks pre-arrest bail, in connection with C.R. No.223 of 2015, registered with Bidkin police station, for offences punishable under sections 143, 324, 323, 506, 504 read with sec. 34 of the Indian Penal Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The prosecution case against the applicant appears to be that the President of the Union – complainant Gajanan Khandare, while trying to submit a representation, based on a verdict delivered by this Court, in the matter of payment of wages, a scuffle took place between the applicant and the complainant and it is alleged that the present applicant along with security has assaulted the complainant and then abused him on his caste by humiliating words.

(2)

3. In the above background, Mr Ladda, learned Counsel appearing on behalf of the applicant, while trying to make out a case for grant of pre-arrest bail, would urge that bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act will not be attracted, as the applicant is falsely implicated in the crime in question. Mr Ladda would then urge that there exists a labour dispute between the management and the complainant and as the complainant, an office bearer of the trade union was not satisfied with the response of the management to their demands/orders of the Courts, he has attacked the applicant and it is the applicant while defending himself, has resulted into scuffle. He would then urge that in this background, the applicant is entitled for pre-arrest bail.

4. Learned Addl. Public Prosecutor, who is assisted by Mr Shejwal on behalf of the complainant, has strenuously opposed the application in view of bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is claimed by the complainant that it is the applicant who is responsible for non-congenial atmosphere in the work place, as the order of this Court in favour of the employees was not honoured/taken to its logical end. It is further submitted by the learned Counsel appearing on behalf of the complainant that when the complainant tried to make a representation to the applicant, the applicant has assaulted him and abused him on his caste by humiliating words and as such, the applicant is not entitled for pre-arrest bail.

(3)

5. Learned Addl. Public Prosecutor submits that perusal of CCTV footage reflects that there was a scuffle between both the parties, i.e. applicant and the complainant. According to him, the application deserves to be rejected.

6. With the assistance of the learned Counsel appearing on behalf of the respective parties, I have perused the contents of the first information report and investigation papers.

7. It is noted that already there exists a dispute between the employer and employees and the present applicant was serving at the work place as a representative of the employees.

8. It is an admitted position on record that there exists a dispute between employer and employees and there is a verdict in favour of the employees as regards payment of wages, which according to the complainant was not honoured by the employer and has given rise to the scuffle in question.

9. In the above background and particularly looking to the allegations made in the first information report, in my opinion, custodial interrogation of the applicant is hardly of any necessity.

10. In that view of the matter, in my opinion, it will be appropriate to enlarge the applicant on pre-arrest bail. Thus, the following order :-

(4)

In the event of arrest of the applicant, in connection with C.R. No.223 of 2015, registered with Bidkin police station, for offences punishable under sections 143, 324, 323, 506, 504 read with sec. 34 of the Indian Penal Code and under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall attend the concerned police station initially from 27th January, 2016 to 29th January, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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