

against the complainant alleging that under the influence of liquor, he has caused disturbance in rituals being observed in temple by public. He would then urge that, at the behest of the complainant Dalit, the applicants were implicated as accused in Crime No. 3031/2013, however, the complainant Dalit thereafter before Sub-Divisional Police Officer has admitted in writing that, the applicants were falsely implicated by him in the said crime which was alleged under the Prevention of Atrocities Act. It is further submitted that, offence punishable under Section 353, 332, 504 read with Section 34 of the Indian Penal Code vide Crime No. 92 of 2015 is registered against the complainant Dalit and other persons on the same day for assaulting a public servant. Learned Counsel for the applicant, as such, submits that, complainant Dalit is in habit of filing false complaints by taking recourse to the provisions of Atrocities Act. According to him, false implications, as such, of the applicants, cannot be ruled out.

3. Learned A. P. P. opposed the application and has invited attention of this Court to the statements of one Sahebrao and Nagorao, who claimed to have witnessed the incident in question, and also medical evidence. According to him, there is strong prima facie case against the applicants about their involvement in crime in question and in view of bar under section 18 of the Atrocities Act and

sought for dismissal of the application.

4. Having bestowed my thought to the submissions made, it is required to be noted here that, there are specific attributions against the applicants, who are alleged to have made caste based insulting utterance at public view against the complainant, however, if those attributions are considered in the light of past conduct of the complainant Dalit, it appears that, complainant Dalit is in habit of filing false complaints based on caste based allegations. It is further required to be noted that, there are two complaints lodged against the complainant Dalit, one at the behest of the applicants and another at the behest of one of the co-accused Punjab Shinde, a public servant in the present crime, for which separate offence is registered against the complainant Dalit.

5. That the alleged eye witnesses Sahebrao and Nagorao, though have claimed that, they were also assaulted alongwith complainant Dalit, however, said witnesses have not lodged any complaint about alleged assault, which conduct appears to be unnatural.

6. In view of above referred background, in my opinion, false implication of the applicants cannot be ruled out, particularly in

the back ground of earlier enmity between the complainant and applicant.

7. In that view of the matter, in my opinion, the applicants are entitled to be released on bail. Hence I pass following order.

In the event of arrest, the Applicants be released on bail, in connection with Crime No. 91 of 2015 registered with Kurunda Police Station, Dist. Hingoli, punishable under Sections 143, 147, 149, 324, 294 of Indian Penal Code and under Section 3(1) (X) of Scheduled Caste 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. The applicant shall attend concerned police station from 16th February to 18th February, 2016 in between 10.00 a.m. to 12.00 noon and thereafter as and when called by the Investigating Officer.

8. Criminal Application stands allowed in above terms.

[N.W. SAMBRE, J.]