

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

CRIMINAL APPLICATION NO. 6664 OF 2015

Gazi s/o Baddiyoddin Kazi

... Applicant

VERSUS

The State of Maharashtra

... Respondent

.....
Mr P. B. Rakhunde, Advocate for the applicant
Mr U. S. Mote, APP for respondent/State
.....

CORAM : **N. W. SAMBRE, J.**

DATE : **12TH JANUARY, 2016.**

PER COURT:

. By this application, the applicant herein is seeking pre-arrest bail in Crime No. 153 of 2015 registered with Ambajogai Police Station, Dist. Beed for the offence punishable under Section 354 of the Indian Penal code and Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. According to the applicant, the complainant is in the habit of lodging false complaints by invoking provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In order to substantiate his contention, he has invited attention of this Court to the “B” summary report filed by the Investigating Officer before the learned Judicial Magistrate First

Class, in Crime No. 38 of 2014. He would then urge that the applicant is falsely implicated in the crime in question.

3. Learned APP opposed the application on the ground that there is *prima facie* case against the applicant.

4. With the assistance of the respective Counsel, I have perused the contents of FIR and the investigation papers. It is noted that, the complainant has collected the mobile and other articles of accused and submitted to the Investigating Agency. Apart from above, there is C.D.R. record, which shows that the applicant has, at least four times, called the complainant on her mobile on 30th August, 2015.

5. In view of the above, there appears *prima facie* evidence against the applicant in crime in question. As such, the application fails and same stands rejected.

[N. W. SAMBRE]
JUDGE

sgp