

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.318 OF 2016

Mr. Vasu @ Vivekanand Shivaji Mane ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr. Shivaji A. Masal for the Applicant.

Mr. D.P. Adsule, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 22nd FEBRUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant in Crime No.80 of 2015 registered at Sanjaynagar Police Station, District-Sangli, for offences punishable under sections 323, 341, 504 and 506 of the IPC and section 3(1) (iii) r/w. section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. The records prima facie reveal that one Amol Baban Vetam had lodged the FIR dated 20.8.2015 alleging that

on the same date at about 5.00 p.m. one Ashok Kasalekar had threatened him to withdraw the complaint lodged by him under S.C.S.T. Act and thereafter said Ashok Kasalekar called some persons to the place of the incident. He had stated that one Bhalchandra Mokashi and said Ashok Kasalekar and other unknown persons abused him and threatened to cause his death and by stating so they had assaulted him by kicks and blows. Pursuant to the said FIR lodged against said Ashok Kasalekar and Bhalachandra Mokashi and other unknown persons, aforesaid crime was registered.

3. It is pertinent to note that name of the present Applicant was not disclosed in the FIR. The FIR also does not prima facie indicate that the Applicant and other co-accused had intentionally insulted the complainant with reference to his caste. The records prima facie reveal that the complainant had given supplementary statement under section 161 of the Criminal Procedure Code, which was recorded on 7.9.2015. Even in the said supplementary statement the complainant had not stated that the Applicant and others had intentionally insulted or intimidated him. The said supplementary statement merely indicates that he was assaulted knowing fully well that he belonged to Scheduled Castes and Scheduled tribes. The said

allegation in my considered view would not prima facie cover the essential ingredient under section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Hence, the bar of section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act would not be applicable.

4. The allegations contained in the FIR do not justify custodial interrogation. The Applicant is otherwise a permanent resident of Sangli and there is no possibility of his absconding or thwarting from the course of justice.

5. Under the circumstances, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.80 of 2015 registered at Sanjaynagar Police Station, District-Sangli, the Applicant is released on bail on furnishing bail bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety to the like amount to the satisfaction of Sessions Court/Special Court, Sangli.

(ii) The Applicant shall report to the Investigating Officer for four days in between 10.00 a.m. to 1.00 p.m. from the date of receipt of this order.

- (iii) The Applicant shall not interfere with the complainant or other witnesses in any manner.
- (iv) The Applicant shall not leave Sangli-District without prior permission of Sessions Judge/Special Judge, Sangli, till filing of the charge-sheet.

(ANUJA PRABHUDESSAI, J.)