

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

ANTICIPATORY BAIL APPLICATION NO.199 OF 2016

Suryabhan @ Baban Bhagwan Ubale ...Applicant
(Patil)

Versus

The State of Maharashtra ...Respondent

.....

Mr. V.V. Purwant for the Applicant.

Mr. J.H. Ramugade, 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 apprehending his arrest in C.R. No.3 of 2016 registered at Madha Police Station, District- Solapur (rural), for offences punishable under sections 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sections 7(1) (d) of the Protection of Civil Rights Act and under sections 323 and 506 of the IPC.

2. I have perused the records and considered the submissions advanced by Mr. Purwant, the learned counsel for the Applicant and

Mr. Ramugade, the learned APP for the Respondent-State.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Parvati Pandurang Ohol, wherein she had alleged that on 3.1.2016 at about 2.00 p.m., the Applicant had abused her by making reference to her caste and had further assaulted her by kicks and blows. Pursuant to the said FIR the aforesaid crime came to be registered. It is to be noted that the first informant had lodged the complaint in respect of the said incident on 4.1.2016 wherein she had not alleged that the Applicant had insulted her with reference to her caste. The allegations made against the Applicant on 4.1.2016 that the Applicant herein had assaulted her by kicks and blows and by means of stone. The said complaint disclosed offence under section 323 of the IPC, which is non cognizable and hence, NC was registered. The FIR was lodged two days after the registration of the said NC case and it contains the allegations which were not stated in the previous complaint. Further more the FIR also does not disclose the caste of the complainant. In view of the aforesaid facts, in my considered view bar under section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) would not be applicable. The nature of the allegations levelled against the Applicant do not justify custodial

interrogation. The Applicant is a permanent resident of Madha, District- Solapur and hence, there is no chances of the Applicant absconding.

4. Considering all the above facts and circumstances the Applicant is entitled for bail. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.3 of 2016 registered at Madha Police Station, District- Solapur (rural), the Applicant be 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 Judge, Barshi, District- Solapur.
- (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 the family members and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)