

Anand

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

ANTICIPATORY BAIL APPLICATION NO.353 OF 2016

1. Bhagwan Jaywant Kulal .Applicants
2. Popat Malhari Kulal
3. Rambhau Dada Kulal
4. Mahadev Bhagwan Kulal

Vs.

The State of Maharashtra .Respondent

Mr.S.D.Nangre, Mr. R.M.Powar & Mr.S.P.Nangre,
Advocate, for the Applicants
Mr.Y.M.Nakhwa, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 18.03.2016

P.C.

. Heard learned counsel for the Applicants
and the learned APP for the Respondent – State.

2. By this Application, the Applicants seek
pre-arrest bail in connection with C.R.No.61 of
2016 registered with the Baramati Police Station,
District – Pune(Rural), for the alleged offences
punishable under Sections 341, 504 & 506 of the

Indian Penal Code and under Sections 3(1)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act.

3. The incident in question has taken place on 14.02.2016 at about 5.00 p.m.. It is alleged that all the Applicants abused the Complainant by his caste and stated that he and others, could not use the common road used by all. It is alleged that the Applicants verbally abused and threatened the Complainant. On 25.02.2016, this Court had granted interim protection to the Applicants, as there was nothing in the FIR to show, that the said reference to the caste of the Complainant was heard by any member of the public or that the incident had occurred in a public place. In the light of the said fact, this Court was of the prima facie view, that Section 18 of the Scheduled Castes and Scheduled Tribes Act was not attracted.

4. Learned APP seeks time. He states that even today the investigating officer is not present. Even on the last occasion the investigating officer was not present.

5. Perused the statement of the Complainant. There is no specific role assigned to any of the Applicants. Similarly, there is nothing to show that the alleged words were uttered in the presence of any person. In the facts & circumstances of the case, the Applicants are granted anticipatory bail on the following terms & conditions.

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount;

(ii) The applicants shall report to the investigating officer of the Baramati Police Station, District – Pune(Rural) **on every Saturday**

between 10.00 a.m. and 11.00 a.m. till filing of the charge-sheet;

(iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear, that the observations made herein, are *prima facie*, and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy
of this order.

(REVATI MOHITE DERE, J.)