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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 653 OF 2016**

1.	Ganesh Pandurang Desai,	
2.	Subhash Pandurang Desai	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

Mr. Hrishikesh Giri i/b Mr. Prashant Kogare for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent-State

Police Naik, Ramesh B. Shinde, Walchandnagar Police Station.

***CORAM : REVATI MOHITE DERE, J.
DATE : 25th APRIL, 2016.***

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 56 of 2016 registered with the Walchandnagar Police Station, for the alleged offences punishable under Sections 447, 427, 34 of the Indian Penal Code and Section 3(1)(iv), 3(1)(v) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SCST Act').

3. Learned Counsel for the applicants submits that the alleged offences under the Indian Penal Code are bailable and only in view of Section 3 of the SCST Act, applicants' application for anticipatory bail came to be rejected. He submitted that a perusal of the complaint lodged by Dhondiram Arjun Kharat will show that no offence whatsoever is disclosed under the SCST Act.

4. Learned A.P.P fairly states that prima-facie, no offence under SCST Act is disclosed.

5. Perused the complaint/FIR. *Prima facie*, it is doubtful whether an offence under Section 3 of the SCST Act is made out in the facts of the present case. Rest of the sections are bailable.

6. Considering the peculiar facts of the case, the applicants are granted anticipatory bail on the following terms and 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.10,000/- each, with one or

two sureties in the like amount ;

(ii) The applicants shall attend the concerned Police Station on every Saturday, between 10.00 a.m. to 12.00 noon, till the 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.

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

8. 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.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.