

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1053 OF 2016

SOU.SARITA NANASO @ TUKARAM ADAKE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri Madhav Jamdar a/w. Shri Sushil A. Inamdar, Advocate for the Applicant.

Shri Arfan Sait, APP for the Respondent – State.

PS.I. Shri R.R.Bhosale, Phaltan Rural Police Station, present in court.

CORAM : A. M. BADAR

DATE : 24th JUNE 2016.

P.C. :

1 Though this application is coming up for the first time, learned APP states that Investigating Officer is present with papers of investigation. He prays for final hearing of application. Hence application is taken up for final hearing.

2 Heard learned counsel for applicant as well learned APP. Learned APP states that as the offence is punishable under The Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, applicant cannot be released on pre-arrest bail.

3 Perused the FIR lodged by Asha Kharat. Also perused the papers of investigation. It is averred by informant Asha that on 29th March 2016, one Nana Adake asked her as to whether she had seen Namu Adake. When informant told him that she has no business to look after Namu Adake, present applicant came out of her house and held informant by hair and caused her fall. This is the only allegation against the present applicant.

4 Considering the allegation against the present applicant, *prima facie* it is clear that no offence punishable under the provisions of The Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, is made out. As such, the following order :

- i) Application is allowed.
- ii) In the even of her arrest in Crime No.100 of 2016 for the offences punishable under Sections 143, 147, 149, 323, 504, 506 of IPC and Sections 3(1)(r)(s) and 3(2)(va) of The Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, registered with Police Station Phaltan Rural, applicant be released on bail on executing P.R.Bond in sum of Rs.5,000/- with one surety in like amount;
- iii) As a condition of this order, the applicant / accused shall attend Police Station Phalton Rural on 3rd July 2016 between 12 noon and 1 pm till the filing of charge-sheet;
- iv) Applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against applicant so as to dissuade him from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;

- v) Applicant / accused shall co-operate for expeditious disposal of the trial;
- vi) Applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of the commission;

5 The application is disposed of accordingly.

(A. M. BADAR, J.)