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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1121 OF 2016

Bapurao Raghunath Tanpure and Anr. ..Applicants.

V/s.

State of Maharashtra ..Respondent.

Mr.Rupesh A. Zade for applicants.

Mr.Arfa Sait, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 14TH JULY, 2016

P.C. :-

1. Applicants / accused in Crime No.168/2016 for the offences punishable under section 504, 506 read 34 of the Indian penal Code and under sections 3(1)(x) and 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered with Walchandnagar Police Station, District Pune by this application are seeking anticipatory bail.

2. Heard learned counsel for applicants / accused. He argued that only one statement is made in the F.I.R. so far as

offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is concerned. According to the learned counsel for applicants, the incident in question happened because the informant and his relatives had released filthy water by connecting the outlet of their cow shed to the Canal

3. I have also heard the learned APP. He argued that there are statements of the eye witnesses which support the informant.

4. Perused the F.I.R. lodged by Sou.Vijaya Sunil Kharat. In the F.I.R. itself it is stated by the informant that the outlet of their cow shed was connected to the Canal and, therefore, applicant No.1 Bapurao Tanpure objected. The F.I.R. shows that subsequently, applicant No.1 Bapurao and his brother Rajendra were quarelling with the prosecution witnesses. Averment regarding intentional insult and intimidation to a member of the scheduled caste in a place with public view is attributed only against applicant No.2 Rajendra Tanpure. Rest of the allegations are of general nature. As such, bar under of 18 the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 is not applicable while considering the case of applicant No.1 Bapurao Tanpure. The application is partly allowed. Hence the order :-

- (i) In the event of arrest of applicant No.1 Bapurao Raghunath Tanpure in Crime No.168/2016 for the offences punishable under section 504, 506 read 34 of the Indian penal Code and under sections 3(1)(x) and 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered with Walchandnagar Police Station, District Pune he be released on bail on executing P.R. bond in the sum of Rs.10,000/- with one surety in the like amount;
- (ii) As a condition of this order, applicant No.1 / accused shall attend Walchandnagar Police Station, Pune on 24th July, 2016 between 11.00 a.m. to 1.00 p.m. and shall co-operate with the Investigating Officer;
- (iii) Applicant No.1 / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as

to dissuade him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;

- (iv) Applicant No.1 / accused shall co-operate for expeditious disposal of the trial;
- (v) Applicant No.1 / accused shall not commit an offence similar to the offence of which he is accused or suspected of commission;
- (vi) The application of applicant No.2 Rajendra Raghunath Tanpure is rejected;
- (vii) The application is disposed of accordingly.

(A.M.BADAR, J.)