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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1157 OF 2016

Mahesh Pandharinath Bondre
and anr

.... Applicants

V/s.

The State of Maharashtra

.... Respondent.

Mr. Kuldeep S. Patil i/by Prashant S. Hagare, for
the Applicants.

Mr. S.S. Pednekar, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 12th JULY, 2016.

P.C. :

1. The applicants /accused, in Crime No.152 of 2016, registered with Walchandnagar Police Station, Tal. Indapur, District: Pune, for offence punishable under Sections 452, 354, 324, 323, 294,143, 147, 148, 149, 504, 506 read with section 34 of the Indian Penal Code, and under Section 3(i) (r), (s)(u), (w) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and under Section 7(1) (d) of the Protection of Civil Rights Act, by this application, are praying for pre-arrest bail.

2. Heard the learned counsel for the applicant/accused. In his submission, he argued that the incident in question triggered out because

of act on the part of Sachin Kharat, who outraged the modesty of minor girl from Londhe family on 30.5.2016. The learned counsel further submits that members of Bondre family lodged report against Sachin Kharat and therefore applicants are falsely implicated in the crime in question.

3. The learned APP opposed the application by submitting that in view of bar of section 18 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, application cannot be entertained.

4. Perused the case diary as well as annexures to the application and F.I.R. Applicants have placed on record copy of F.I.R. in Crime No.153 of 2016, registered at Walchandnagar Police Station. Perusal of the same reveals that informant Jayashri Bondre alleged that her minor female relative of 12 years of age came to be molested by Sachin Arun Kharat. The perusal of the F.I.R. in question lodged by Sumit Ghodake reveals that at about 6.00 p.m. on 30.5.2016, there was scuffle between members of Bondre family and members of Kharat family. F.I.R. further reveals that informant Sumit Ghodake tried to intervene in the quarrel and at that time applicant No.1 Mahesh made castiest remarks against him. The informant further alleged that applicant No.1 Mahesh Bondre and some unknown persons have assaulted on his left leg by wooden log. The case diary shows that informant has suffered fracture of

patella. So far as applicant No.2 Akshay @ Bolya Shankar Suryawanshi is concerned, allegations are against him are of general nature.

5. The perusal of the F.I.R. as well as papers of investigation show that no prima facie case for offence punishable under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, is made out against applicant No.2 Akshay, and therefore liberty of applicant No.2 Akshay has to be protected. Hence following order.

Order

- I) Application is partly allowed.
- II) Application as regards to applicant No.1 Mahesh Bondre is rejected.
- III) In the event of arrest of applicant No.2 Akshay @ Bolya Shankar Suryawanshi, in above crime, he be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- and on his furnishing surety in the like amount.
- IV) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- V) The applicant shall attend the concerned police station on 24.07.2016 in between 11.00 a.m. to 1.00 p.m., and shall co-operate the Investigating officer.
- VI) The applicant shall not tamper with the prosecution evidence in any manner.

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[A. M. BADAR, J.]