

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1425 OF 2016

1. Amol Sitaram Navale
2. Navnath Bhaurao Devadkar
3. Sangram Navnath Devadkar

.....Applicants

V/s.

The State of Maharashtra

....Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1426 OF 2016

Sunil Nagnath Devadkar

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Viresh Purwant Advocate for Applicant.
Mr. S. H. Yadav APP for the State.
Mr. Prashant Swami, Dy.S.P., Karmala.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : SEPTEMBER 1, 2016.

PC :

1) Heard. These are applications under section 438 of the Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 339 of 2016 registered at Tembhurni Police Station, Solapur for

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offence punishable under sections 436, 324, 323, 504, 506 r/w 34 of the Indian Penal Code and under sections 3 (1) (r) 3 (2) (4) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 7 (1) (d) of Protection of Civil Rights Act, 1935.

2) Applicants vide order dated 18/08/2016 were granted interim relief by this Court. They were protected to report to the Tembhurni Police Station on 21st, 27th and 28th August 2016.

3) The learned APP, upon instructions from the Investigating Officer who is present before the Court submits that the Applicants herein have abided by the said order. The learned APP further submits that a similar offence is registered against the present Applicant.

4) The learned counsel for the Applicants submits that Applicants have been acquitted in the said case and therefore, at present, it cannot be a stigma upon their personality.

5) As far as the present case is concerned, it *prima facie* appears that the complainant has filed a civil suit before the Civil Judge Junior Division at Madha against Navnath Gade in respect of Mahar Vatan Land. That according to the complainant, all the accused persons held a grudge against the

informant who claimed rights over the rights over the Vatan Land.

6) According to the complainant on 14/07/2016 at about 10.30 a.m., the accused persons had been to his house. Complainant had requested them to have a talk. They insisted upon him to sign the documents and had threatened him of dire consequences. When complainant denied to sign the said documents, waive his right over the Mahar Vatan Land, they had abused him by referring to his caste. That they had pushed his daughter-in-law who had intervened in the quarrel. They had also twisted the hand of his son Arjun. That while they were departing from his house, they had set the extension of his roof on fire and hence, committed an offence punishable under section 436 of the Indian Penal Code. Applicants are also being prosecuted under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

7) The learned APP submits that there is an embargo of Section 18 of the said Act and therefore, Applicants do not deserve pre-arrest bail, however, taking into consideration the nature of allegations and the fact that there is a civil suit pending in respect of Mahar Vatan Land, Applicants deserve pre-arrest bail.

8) However, it is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Applications are allowed.
- (ii) In the event of arrest, 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.
- (iii) Applicants shall report to the concerned police station as and when called.
- (iv) Applications stand disposed of.

(SMT. SADHANA S. JADHAV, J.)