

CRIMINAL BAIL APPLICATION NO. 2302 OF 2016

P.C.:

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicants herein are arrested on 21/10/2016
in Crime No. 459 of 2016 registered at Tembhurni Police Station for
offence punishable under Section 323, 504, 506, read with section 34

of Indian Penal Code and section 3(1)(10) of Prevention of Atrocities Act.

3 It is the case of the prosecution that on 20/10/2016 Satyawar Tukaram Nichal lodged a report alleging therein that the present applicants reside in front of his house alongwith his family. There was quarrel between both the family on 1st April, 2015. At that time, the complainant had lodged report against the present applicants and the offence was registered against the applicants under section 323 of the Indian Penal code. It is alleged that on 20/10/2016 at about 8 p.m. when the complainant was proceeding in front of the house of one Bharat Kale and Vaijinath Mhaske, the present applicants met him and abused him by reference to his caste and pushed him into water canal and had assaulted him with fist on his face. It is also submitted that the complainant has been threatened of dire consequences.

4 The applicants have been in custody for one month who is being prosecuted for the offence punishable under section 323 of the Indian

Penal Act and under the Special Act of Prevention of Atrocities Act. Without going further into merits of the matter, the applicants deserve to be enlarged on bail.

5 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of hearing of application for discharge or quashing of FIR or at the time of trial.

6 Hence following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/-each and one or more sureties in the like amount.

(iii) The applicants shall report to the police station as and when called by the Investigating Officer and cooperate with the investigating agency to the best of their capacity.

(iv) The applicants shall not tamper with the evidence.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)