

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO.23/2016

Anil S/o Vijay Sarode and others

..Versus..

State of Maharashtra, P.S. P.S.O. Mukutban, Distt. Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 15.2.2016

Heard Shri A.K. Bhangde, advocate for the applicants and Shri M.J. Khan, A.P.P. for the non-applicant.

The applicants have moved this application seeking pre-arrest bail apprehending arrest in Crime No.3067/2015 registered by the non-applicant for the offences punishable under Sections 294, 506, 34, 143 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

According to the prosecution, the applicants have actively participated in the incident of dragging and beating the complainant who belongs to schedule caste. It is further alleged that abuses are

hurled in the name of community.

With the assistance of the learned advocate for the applicants and the learned A.P.P. I have gone through the F.I.R. In my view, at present, it cannot be said that the allegations against the applicants are of such a nature that *prima facie* case of commission of offence punishable under Section 3(1)(x) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 is made out. The allegations will have to be proved by the prosecution.

The applicants are Agriculturist. It is undisputed that the applicants are not involved in any crime, earlier.

Considering the facts on the record, in my view, the applicants are entitled for pre-arrest bail. Hence, the following order:

In the event of arrest of applicants in Crime No.3067/2015 registered by the non-applicant, the applicants shall be released on bail on furnishing P.R. bond in the sum of Rs.20,000/- each and one solvent surety each in the like amount. The solvent surety shall be furnished by resident of village Dahegaon, Taluka Wani, Distt. Yavatmal.

The applicants shall attend the police station Mukutban, Taluka Wani, Distt. Yavatmal on alternate day between 10 a.m. to 1 p.m. until the Investigating Officer informs in writing that the attendance of the applicant/applicants is not necessary. The application is **allowed** in

the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.