

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

CRIMINAL APPLICATION (ABA) NO. 43 OF 2016

(Shailesh s/o Shivnarayan Gupta ..vs.. The State of Maharashtra, through PSO, PS Dattapur, District
Amravati)

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.
DATED : 12-02-2016

Heard Shri S.S. Dhengale, learned Advocate for the applicant and Shri T.A. Mirza, learned Addl.P.P. for the non-applicant.

2. The applicant has filed this application seeking pre-arrest bail apprehending arrest in the crime registered against the applicant for the offences punishable under Sections 323, 506 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegations against the applicant are that he abused the complainant on her caste. The nature of allegations against the applicant will have to be proved and it cannot be said that *prima facie* it makes out an offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.

4. The learned Advocate for the applicant submits that the applicant is landlord and the complainant is occupying the property as tenant and she has made a false complaint against the applicant. It is further submitted that the applicant is a law abiding citizen and a businessman and earlier no crime has been registered or reported against the applicant.

5. Considering the facts on the record, I am satisfied that the applicant is entitled for protection.

6. Hence, the following order :

- i) In the event of arrest in connection with Crime No.20/2016 registered by the non-applicant, the applicant shall be released on bail, on furnishing P.R. Bond in the sum of Rs.10,000/- and one solvent surety in the like amount.
- ii) The applicant shall co-operate with the investigation.
- iii) The application is allowed in the above terms. In the circumstances, the parties to bear their own costs.

Criminal Application (APPP) NO.153 of 2016.

Heard T.G. Bansod, learned Advocate for objector/complainant.

For the reasons stated in the application, the objector/complainant is permitted to assist the

prosecution.

The application is allowed and disposed accordingly.

Criminal Application (APPP) No.99 of 2016.

In view of disposal of main application, the application praying for grant of time to file certified copy of order dated 21-01-2016 passed by the learned Addl. Sessions Judge, Amravati has become infructuous. It is disposed accordingly.

JUDGE

pma