

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

CRIMINAL APPLICATION (BA) NO.59/2016

Rajendra Raghunath Pote

..Versus..

The State of Maharashtra, through Police Station Officer, Police Station, Warora, Distt.
Chandrapur

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 : 7.3.2016

Heard Shri S.V. Sirpurkar, advocate for the applicant and Shri A.D. Sonak, A.P.P. for the non-applicant.

The applicant is arrested on 15th January, 2016 in crime registered against him for the offence punishable under Section 354A(1)(2), 354, 451, 506 and 435 of the Indian Penal Code and Section 3(1)(xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The allegations against the applicant are that on 13th January, 2016 at about 11 a.m. the applicant entered the house of complainant, caught hold of her and made demand for sexual favour.

Considering the nature of accusations in the complaint made by the complainant, I find that the necessary ingredients to make out an offence punishable under Section Section 3(1)(xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, *prima facie*, are not made out and the prosecution has to establish its case at the time of trial.

In view of the facts on the record, I am of the view that the applicant is entitled to be released on bail as the non-applicant has not been able to show that the custody of applicant is required for further investigation.

Hence, the following order:

(i) The applicant having been arrested in Crime No.38/2016 registered by the non-applicant, he shall be released on bail on furnishing P.R. bond for Rs.10,000/- (Rs. Ten Thousand Only) and one solvent surety in the like amount.

The application is **allowed** in the above terms.

CRIMINAL APPLICATION (APPP) NO.101/2016

In view of disposal of main application, this application does not survive and is disposed of accordingly.

JUDGE

Tambaskar.