

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

CRIMINAL APPLICATION (ABA) NO.54 OF 2016

(Sau. Komal Ashish Junghare ..vs.. The State of Maharashtra, through Station House Officer, Kalamb
PS, District 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.
DATED : 08-03-2016

Heard Shri V.D. Darne, Advocate for the applicant
and Shri S.S. Doifode, Additional Public Prosecutor for
the non-applicant.

2. The applicant is seeking pre-arrest bail
apprehending arrest in crime registered against her for
offences under Sections 294, 323, 506 read with Section
34 of the Indian Penal Code and Section 3(1)(x) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989. The accusations against the
applicant are that he has given abuses on the caste of the
complainant and has threatened to kill her.

3. Considering the averments of the complaint, in
my view, *prima-facie*, offence under Section 3(1)(x) of
the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, 1989 is not made out and the
prosecution will have to prove its case. As far as the
other offences are concerned, they are bailable offences.

4. In my view, the interim order passed by this Court on 02/02/2016 has to be confirmed and the applicant is entitled for pre-arrest bail.

5. Hence, the following order :

- i) In the event of arrest in Crime No.3126/2015 registered by the non-applicant, the applicant be released on bail, on furnishing P.R. Bond for Rs.10,000/- and one solvent surety in the like amount.
- ii) The application is allowed in the above terms.

JUDGE

pma