

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

Criminal Application [ABA] No.78 of 2016

(Sau. Shubhangi Vijay Dharamkar and another
 vs.

The State of Maharashtra, through P.S.O. Yavatmal City, Tah. and Dist. Yavatmal)

=====

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

=====

Court's or Judge's Orders

CORAM : Z.A. HAQ, J.

DATE : 29th FEBRUARY, 2016.

Heard Shri S.V. Sirpurkar, the learned Advocate for the applicants and Shri S.S. Doifode, the learned A.P.P. for the non-applicant.

The applicants are seeking pre-arrest bail apprehending arrest in crime registered against them for the offence punishable under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The accusation against the applicants is that on the date of incident, the complainant, who resides in the vicinity of the resident of the applicants, was going for morning walk and at that time the applicants, who were sitting on the steps in front of their house, abused the complainant on her caste.

On going through the F.I.R., I find that the necessary ingredients to make out an offence under Section 3(1)(x) of the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not made out and the prosecution will have to prove the commission of offence during the trial. I am satisfied that, the applicants are entitled for pre-arrest bail.

Hence, the following order :

In the event of arrest in Crime No.3006/2016, registered by the non-applicant, the applicants shall be released on bail on furnishing P.R. Bond in the sum of Rs.5,000/- each.

The application is allowed in the above terms.

JUDGE

**sdw*