

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

CRIMINAL APPLICATION (ABA) NO.80/2016

Shri Dipak S/o Ganpatrao Shende

..Versus..

State of Maharashtra, through Police Station Officer, Police Station Moregaon, 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 : 17.3.2016

Heard Shri S.B. Tiwari, advocate for the applicant and Shri S.B. Bissa, A.P.P. for the non-applicant.

The applicant is seeking pre-arrest bail apprehending arrest in crime registered for the offence punishable under Section 354A(1)(iv), 506 and 509 of the Indian Penal Code and Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The accusations against the applicant are that the applicant came to the residence of complainant and hurled abuses on her caste.

On perusal of the complaint of the complainant, I find that the necessary ingredients to constitute the offence punishable under Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, *prima facie*, do not exist and the prosecution will have to prove its case.

Considering the nature of accusations against the applicant,

the facts on the record and as the non-applicant has not been able to show that the custody of applicant is required for further investigation, in my view, the interim order granted by this Court on 16th February, 2016 is required to be confirmed.

Hence, the following order:

- (i) In the event of arrest of applicant in Crime/F.I.R. No.117/2015 registered by the non-applicant, the applicant be released on bail on furnishing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand Only).
- (ii) The application is **allowed** in the above terms.

CRIMINAL APPLICATION (APPP) NO.175/2016

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

JUDGE

Tambaskar.