

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

CRIMINAL APPLICATION (ABA) NO.119 OF 2016

(Mohan s/o Vasudeorao Channawar ..vs.. The State of Maharashtra, through PSO, PS Pathri, District 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.
DATED : 09-03-2016

Heard Shri Anuj Hazare, Advocate for the applicant and Shri R.S. Nayak, Additional Public Prosecutor for the non-applicant.

2. The applicant is seeking pre-arrest bail in crime registered against him for offence punishable under 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 his caste on two occasions on 26-01-2016 during functions organised at village.

4. With the assistance of the learned Advocate for the applicant and learned Additional Public Prosecutor for the non-applicant, I have gone through the first information report. The averments of the complaint *prima-facie* do not make out a case under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989 and the non-applicant will have to prove its case.

5. The non-applicant has not been able to show that the custody of the applicant is required for further investigation. Hence, the interim order granted on 26-02-2015 is required to be confirmed.

6. Hence, the following order :

- i) In the event of arrest in Crime No.5/2016 registered by the non-applicant, the applicant shall be released on bail, on furnishing P.R. Bond in the sum of Rs.5,000/- and one solvent surety in the like amount.
- ii) The application is allowed in the above terms.

JUDGE