

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

CRIMINAL APPLICATION (ABA) NO.170/2016

Ganesh Mahadeo Gawande and others

..Versus..

State of Maharashtra, through its Police Station Officer, Police Station Manora Tq.
Manora, Distt. Washim

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 : 11.4.2016

Heard Shri F.T. Mirza, advocate for the applicants and Shri
S.S. Doifode, A.P.P. for the non-applicant.

On instructions, the learned advocate for applicant no.2
seeks permission to withdraw the application on his behest. The
application of applicant no.2 is **disposed of** as withdrawn.

The applicants 1 and 3 apprehend arrest in crime registered
against them for the offence punishable under Section 354 and 34
of the Indian Penal Code and Section 3(1)(x) and 3(1)(xi) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989.

The complainant has lodged report that the applicants have

assaulted her and abused her in the name of caste.

On going through the averments made in the F.I.R., I find that *prima facie* the offence under Section 3(1)(x) and 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not made out against the applicants 1 and 3 and the prosecution will have to prove its case. Admittedly, civil dispute is going on between the complainant and the applicants in respect of the field where the incident has taken place.

Considering the facts on the record and the nature of accusations against the applicants 1 and 3, in my view, the interim order granted in favour of the applicants 1 and 3 on 18th March, 2016 is required to be confirmed.

Hence, the following order:

- (i) In the event of arrest in Crime No.32/2016 registered by the non-applicant, the applicants 1 and 3 be released on bail on furnishing P.R. bond for Rs.25,000/- (Rs. Twenty Five Thousand Only) each.
- (ii) The application of applicants 1 and 3 is **allowed** in the above terms.

JUDGE