

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

CRIMINAL APPLICATION (ABA) NO.173 OF 2016

(Mr. Santosh s/o Nanasaheb Ingale and another ..vs.. State of Maharashtra, through PSO, PS Borgaon
(Manju), District Akola)

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 : 06-05-2016

Heard Shri S.B. Tiwari, Advocate for the applicants and Shri N.S. Khubalkar, Additional Public Prosecutor for the non-applicant.

2. The applicants apprehend arrest in crime registered against them for offences punishable under Sections 379, 447, 427 read with Section 34 of the Indian Penal Code and Section 3(1)(iv) and (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The crime is registered on the complaint that the applicants have forcibly taken one quintal cotton sown by the complainant in the field survey No.92/3 and the applicants have damaged the crop in the field.

4. The applicants have placed on the record affidavits of Shri Gajanan Shriram Ingale, Shri Padmakar Omkar Ingale, Shri Dilip Madhukar Ingale, Shri Haridas

Kisanrao Nawalkar and Shri Shrikrushna Shriram Ingale, who are the owners of the adjoining fields. These persons have stated on oath that the applicants are in possession of the field survey No.92/3.

5. The accusations against the applicants *prima-facie* do not make out offence under Section 3(1)(iv) & (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1889 and it will have to be established at the trial.

6. Considering the nature of accusations against the applicants and the facts on record, in my view, the interim protection granted on 02-04-2016 has to be confirmed.

6. Hence, the following order :

- i) It is directed that in the event of arrest in First Information Report No.39/2016 registered by the non-applicant, the applicants be released on bail, on furnishing P.R. Bond for Rs.20,000/- each.
- ii) The criminal application is allowed in the above terms.

JUDGE