

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

CRIMINAL APPLICATION (ABA) NO.199 OF 2016

SAMIR S/O MOHANRAO KENE

V/S

THE STATE OF MAHARASHTRA, THR. P.S.O. P.S. GADCHIROLI

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

Court's or Judge's Order

CORAM : Z.A. HAQ, J.

DATED : APRIL 25, 2016.

Heard Shri N.B. Kalwaghe, Advocate for the applicant and Shri A.D. Sonak, Additional Public Prosecutor for the non-applicant/State.

The applicant apprehends arrest in crime registered against him for the offences under Sections 323, 506 and 109 read with Section 34 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The crime is registered against the applicant on the complaint of Devendra Meshram.

According to the non-applicant, Devendra Meshram lodged the complaint against the applicant and Rituja Madavi on 14.3.2016 alleging that he is abused by the applicant and on the say of the applicant Rituja slapped Devendra.

Considering the facts that the complaint about

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alleged incident dated 22.2.2016 is lodged by Devendra Meshram on 14.3.2016 that is after the complaint was lodged by Rituja Madavi and as the accusations made against the applicant *prima facie* do not make out any offence under Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 which will have to be proved by the prosecution, and as the non-applicant has not been able to show that the custody of the applicant is required for further investigation, the *interim* order granted on 1.4.2016 is confirmed.

Hence, the following order:-

ORDER

In the event of arrest in Crime No.42 of 2016 registered by the non-applicant, the applicant be released on bail on furnishing P.R.Bond for Rs.25,000/- (Rupees Twenty Five Thousand Only).

The criminal application is allowed accordingly.

JUDGE

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