

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

CRIMINAL APPLICATION (ABA) NO.225 OF 2016

Sau. Malanbai Nanaji Khadse and anr

..vs..

**State of Mah., thr Police Station Officer, Police Station, Mukutban, Tahsil Zari,
District Yavatmal**

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

Court's or Judge's Order

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Shri R.D. Wakode, counsel for the applicants.
Shri R.S. Nayak, Addl.P.P. for the non-applicant/State.

CORAM : Z.A. HAQ, J.

DATED : APRIL 26, 2016.

**Heard Shri R.D. Wakode, Advocate for the
applicants and Shri R.S. Nayak, Additional Public
Prosecutor for the non-applicant/State.**

**The applicants apprehend arrest in crime
registered against them for the offence under Sections
143, 448, 323 and 324 of the Indian Penal Code and
under Section 3(i)(x) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989.
The offence is registered against six persons (including
the applicants) on the complaint filed by Anil Bhaskar
Gudekar. According to the prosecution, the incident
occurred because of dispute over grazing she-goats.
Learned Advocate for the applicants has submitted that
the averments made in the complaint do not make out
any offence under Section 3(i)(x) of the Scheduled**

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. I find that the averments in the complaint, prima-facie, do not make out offence under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the prosecution will have to prove its case.

It is further stated that the applicants are falsely implicated by the complainant as there is an earlier case against the complainant and his associates. It is further submitted that the husband and son of applicant No.1 and the husband and son of applicant No.2, who are also implicated, are released on bail.

Considering the facts of the case and as the non-applicant has not been able to show that the custody of the applicants is required for further investigation, the interim order granted by this Court on 7.4.2016 is confirmed.

Hence, the following order:-

In the event of arrest in Crime No.27 of 2016 registered by the non-applicant, the applicants be released on bail on furnishing P.R. Bond for Rs.10,000/- (Rupees Ten Thousand Only) each.

The application is allowed accordingly.

JUDGE

!! BRW !!

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