

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

CRIMINAL APPLICATION (ABA) NO. 326 OF 2016

(Amol Mohanrao Amankar Vs. State of Maharashtra through P.S.O., Ramdaspath, Akola)

AND/WITH

CRIMINAL APPLICATION (ABA) NO. 327 OF 2016

(Sanjay Shriram Bhambere Vs. State of Maharashtra through P.S.O., Ramdaspath, Akola)

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

Court's or Judge's orders

Shri M. J. Deshpande, Advocate for the applicant.
Shri A. K. Bangadkar, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.

DATED : 09 JUNE, 2016

Heard learned Counsel for the applicant and
learned A.P.P. for the State.

It is seen from the first information report that there has been some grudge nurtured by the complainant against the present applicant and his other friend. It is further seen that according to the complainant, he was present in the Court and had marked his attendance in a Court case relating to an application for issuance of search warrant filed under Section 97 of the Criminal Procedure Code (M.J.C. No.418 of 2016). A copy of the *roznama* of the relevant date, the date of 02/4/2016, has been annexed to the application. It nowhere shows presence of the complainant in the Court. That apart, the alleged incident has taken place on 02/4/2016. But, the F.I.R. has been lodged on 17/4/2016. It is also mentioned in the F.I.R. that immediately after the incident, it was reported

to the Court on the same day and it was advised by the Court that the concerned police station be approached for filing the F.I.R. In these circumstances, the complainant ought to have given some explanation as to why he required a time of about fifteen days, in spite of being advised by the Court, to approach the police station immediately for filing the F.I.R. No explanation has been given. The cumulative effect of all these facts and circumstances, at this stage, would be that it is doubtful if the offence of Section 3 (1)(x) of the Scheduled Castes & Scheduled Tribe (Prevention of Atrocities) Act, 1989 as against the applicant is constituted. Therefore, the bar under Section 18 of the said Act would have no application. Consequently, I am inclined to grant this application.

The application is allowed.

It is directed that in the event of arrest of the applicant in Crime No.93 of 2016 registered with police station, Ramdaspath, Akola, the applicant shall be released on bail on his furnishing a P. R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount on the conditions that he shall attend the police station as and when required, shall cooperate with the police and shall not tamper with the prosecution witnesses.

JUDGE