

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 670 of 2015
[Krushna alias Doma Ramdas Varbhe Vs. State of Mah.]

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

Court's or Judge's orders

Mr. S.V. Sirpurkar, Adv., for the applicant.
Mr. S.S. Doifode, APP for respondent.

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CORAM : A.B. CHAUDHARI, J.

DATE : 12th January, 2016.

Heard learned counsel for the rival parties.
Perused the reply.

In Crime no. 87/15 registered with Police Station, Shegaon, Distt. Chandrapur, for the offences punishable under Sections 354-A (3), 448, 509, 294, 506 and 323 of Indian Penal Code, read with Section 3 (1) (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, the applicant is being prosecuted. Upon perusal of FIR lodged by the complainant, and in so far as the offence under the Atrocities Act is concerned, it clearly appears that the same did not take place in a public view and, therefore, the applicant is entitled to

grant of relief of anticipatory bail in relation to the offence under Section 3 (1) (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

The next question is about the offence under Section 354-A (3) of Indian penal Code. Section 354 has been carefully perused by me in juxtaposition with the FIR and the contents thereof. I find from para 2 of the FIR dated 27th November, 2015 that the allegations are that the applicant had gone to the house of the complainant, abused her and thereafter quarreled with her and thereafter had caught her hand by going on her person and pulled her by holding her hand. As a result, her bangles were broken and she suffered injury to her hand. These allegations clearly fall within the ambit of Section 354, Indian Penal Code, for which a sentence upto five years is provided and, therefore, the offence is not bailable. In that view of the matter, I make the following order:-

ORDER

[a] Rule is **partly** made absolute. In the event of arrest of the applicant in connection with Crime No. 87/15 registered with Police Station, Shegaon, Distt. Chandrapur, against the applicant for offence punishable under Section 3 (1) (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, the respondent – Police Station Officer, Police

Station, Shegaon, Distt. Chandrapur, is directed to release the applicant on bail, upon the Applicant furnishing a Personal Bond in a sum of Rs. 10,000/- [rupees ten thousand only] with one surety in the like amount.

[b] The prayer for grant of anticipatory bail in so far as offence punishable under Section 354, Indian Penal Code, is concerned, is rejected.

[c] The Investigating Officer shall make necessary correction.

Judge

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