

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

CRIMINAL APPLICATION (ABA) NO.677/2015

Santosh s/o Sitaram Wankhede and others

..Versus..

State of Maharashtra, through Police Station, Hudkeshwar, Distt. Nagpur

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.

DATE : 15.2.2016

None appears for the applicants. Heard Ms. N.P. Mehta,
A.P.P. for the non-applicant.

The applicants are seeking pre-arrest bail apprehending arrest
in connection with Crime No.540/2015 registered by the non-applicant
for the offences punishable under Section 3(1)(vii) of the Scheduled
Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read
with Sections 153(A), 143, 149, 504 and 506 of the Indian Penal Code.

With the assistance of the learned A.P.P. I have gone through
the F.I.R. placed on the record.

Section 3(1)(vii) of the Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 reads as follows:

*"3. Punishments for offences of atrocities. -
(1) Whoever, not being a member of a Scheduled*

Caste or a Scheduled Tribe, -

- (i)*
- (ii)*
- (iii)*
- (iv)*
- (v)*
- (vi)*
- (vii) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law."*

Considering the nature of allegations against the applicants and the contents of F.I.R. about the details of the incident, *prima facie*, I find that the offence punishable under Section 3(1)(vii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not made out against the applicants and the prosecution will have to prove the allegations against the applicants at the time of trial. The applicant no.2 is student. The applicants 4 and 7 are housewives. The applicant no.1 is in service and applicants 3, 5, 6 and 8 are businessmen. The applicants have stated that they are not involved in any crime, earlier. The non-applicant has not controverted these facts.

The applicants are granted ad-interim protection by the order dated 17th December, 2015. It is not case of the non-applicant that

the applicants have misused the liberty.

In the above facts, I am convinced that the ad-interim order dated 17th December, 2015 is required to be confirmed. Hence, the following order:

In the event of arrest in connection with Crime No.540/2015 registered by the non-applicant, the applicants shall be released on bail on furnishing P.R. bond in the sum of Rs.10,000/- and one solvent surety in the like amount for each of the applicant. The application is allowed in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.