

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.149 OF 2017

Shantabai @ Chandrakala Dattu Gawande,
Age: 48 years, Occu: Agril.,
R/o. Pokhari Haveli,
Tq. Sangamner, Dist. Ahmednagar

..APPLICANT

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Sangamner Taluka Police Station,
Sangamner, District – Ahmednagar

2. The Superintendent of Police,
Ahmednagar

..RESPONDENTS

Mr S. S. Dixit, Advocate for applicant;
Mr S. W. Munde, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 30th January, 2017

ORAL ORDER

By this application under Section 438 of the Code of Criminal Procedure, the applicant seeks her release on bail, in connection with C.R. No.II-64 of 2016, registered with Sangamner Taluka Police Station, Tq. Sangamner, Dist. Ahmednagar, for offence punishable under Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 294, 323, 504, 506 read with Section 34 of the Indian Penal Code.

(2)

2. The application is opposed by the learned Addl. Public Prosecutor on the ground of operation of bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Perused the contents of the first information report and other material. The allegation against the present applicant is in relation to offence punishable under Section 294 of the Indian Penal Code and not under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Apart from above, at the most the offence punishable under Section 323 of the Indian Penal Code could be attributed to the applicant.

5. In view thereof, in my opinion, the applicant deserves to be granted pre-arrest bail. I, therefore, pass following order :-

In the event of arrest of the applicant, in C.R. No.II-64 of 2016, registered with Sangamner Taluka Police Station, Tq. Sangamner, Dist. Ahmednagar, for offence punishable under Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 294, 323, 504, 506 read with Section 34 of the Indian Penal Code, she be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one or two sureties in the like amount.

(3)

The applicant shall not take any steps to influence the prosecution witnesses or tamper with evidence.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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