

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

1 CRIMINAL APPLICATION NO. 1145 OF 2017

With

Criminal Application No.1658 of 2017

ANIL S/O SHANKAR LANDGE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

Shri. Rahul P. Mote, Advocate, for applicant.

Shri. S.M. Ganachari, Additional Public Prosecutor, for respondents.

Shri. Govind A. Kulkarni, Advocate, for applicant Criminal Application No.1658 of 2017.

Coram: T.V. NALAWADE, J.

Date: 29 March 2017

ORDER:

1) Criminal Application 1648 of 2017 filed by the original complainant for permission to assist the learned Additional Public Prosecutor is allowed.

2) The application is filed for the relief of anticipatory bail in Crime No.13/2017 registered in Ramanand Nagar Police Station Jalgaon for offences punishable under sections 354-A (1) (i), (iv) of the Indian Penal Code and under section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Both the sides are heard.

3) The crime is registered on the basis of report given by one lady, Smt. Ahire. She was working as Head Mistress in an educational institute. By the office of the Assistant Charity Commissioner administrator is appointed on this institute. The complainant has dispute as, according to her, salary of 33 months is not paid to her. It is her case that, the present applicant, who is working as Assistant Accounts Officer in the office of the Social Welfare Officer, demanded Rs.35,000/- for releasing the amount of arrears of salary. It is her case that on the date of the incident she had gone to the office with witnesses who include her husband, brother-in-law Kiran and one Advocate Jagtap. Allegations are made that the applicant picked up quarrel and during quarrels he gave abuses to her by taking the name of the her caste which is scheduled caste and he gave filthy abuses due to which she felt insulted. There are statements of the persons who were in her company.

4) The present applicant also has filed a complaint in respect of the same incident on the basis of which Crime No.14/2017 is registered in the same police station

against the complainant and others for offences punishable under sections 353, 504, 506, 34 of the Indian Penal Code. Some record is produced by the applicant to show that the original complainant was always quarreling with the staff. There is record produced by the applicant to show that the original complainant is in habit of giving threats to the staff members to falsely implicate in such cases. Reports were also given in the past by the present applicant and other staff but ultimately such crime is registered. There is clear possibility of misuse of the provisions of law and such fear was already expressed by the present applicant and other staff members. The complainant was interested to get the amount and due to that she picked up the quarrels. In view of these circumstances, this Court holds that protection needs to be granted in favour of the applicant. In the result, the application is allowed. The interim protection granted earlier is confirmed.

Sd/-
(T.V. NALAWADE, J.)

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