

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

919 CRIMINAL APPLICATION NO. 1279 OF 2017
WITH APPLN/1154/2017

CHANDRAKANT S/O GANPAT KYADARKUNTE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

Shri. V.G. Sakolkar, Advocate, for applicants.

Shri. S.N. Morampalle, Additional Public Prosecutor, for
respondents.

Coram: T.V. NALAWADE, J.

Date: 21 March 2017

ORDER:

1) The present applications are filed for the relief of anticipatory bail in Crime No.29/2017 registered in Mukramabad Police Station, for offences punishable under sections 323, 294, 504, 506, 34 of the Indian Penal Code and under section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989. Both the sides are heard.

2) Crime is registered on the basis of report given by Smt. Laxmibai, resident of Walanki, Tahsil Mukhed. It is her case that she and her family had worked in the field

of the applicants and the applicants were in dues of Rs.9900 towards that work. It is her case that at the time of Diwali festival amount of Rs.2000/- was given but the remaining amount was not given and so on 3-2-2017 the nephew of the complainant namely Sachin had approached the applicants for demanding money. It is contended that Chandrakant gave the money but gave two slaps to Sachin. It is her case that when she went to Chandrakant to make inquiry in respect of the assault made on Sachin, applicant Ganpat was present there. He gave abuses to her by taking the name of her caste, which is a scheduled caste. It is her case that on 4-2-2017 at about 8.00 a.m. when her husband went to the accused persons to demand the money in respect of the wages, Chandrakant gave him abuses by taking the name of his caste and Chandrakant assaulted him by fist and kick blows. Then he gave a blow of wooden log on left leg of the husband of the complainant. The F.I.R. was given on 6-2-2017.

3) The learned Additional Public Prosecutor produced papers of investigation which include MLC. The

MLC shows that husband of the complainant had complained that he had sustained injury on left shoulder and left side of chest but no visible injury was found there. One contusion was found over left thigh lateral aspect having size of 10 x 5 cm. It was caused within 24 hours by blunt object. It is of simple nature. The investigation papers include statements of eye witnesses but the statements are in respect of the incident dated 4-2-2017. The witnesses have shown ignorance with regard to the alleged incident of 3-2-2017. Some witnesses have supported the complainant by saying that name of the caste was taken when abuses were given to the husband of the complainant. Such statements are as against Chandrakant. Thus there is virtually no independent version in support of the case of the complainant in respect of the incident dated 3-2-2017 in which allegations were made against applicant Ganpat that by using the name of the caste he gave abuses.

4) The material collected shows that there was some dispute over the right of the family of the complainant to get money in respect of the wages. On one

hand it is contended that on 3-2-2017 amount was given and on the other hand it is contended that on 4-2-2017 again the husband of the complainant had approached the applicant Chandrakant to demand the wages.

5) From the record it can be said that there is clear possibility of exaggeration of the things and false implication due to aforesaid dispute. Such instances are increasing and misuse of the provisions of the special Act is noticed by this Court. In view of the aforesaid circumstances this Court holds that protection needs to be given to the applicants.

6) In the result, both the applications are allowed. The interim protection granted in favour of the applicants by orders dated 6-3-2017 and 9-3-2017 in both the matters is hereby confirmed. The applicants are to attend the concerned police station for one month on every Sunday between 9.00 a.m. and 12.00 noon and they are to cooperate the police during investigation.

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

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