

(1)

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

CRIMINAL APPLICATION NO.2135 OF 2016

Dinkar s/o Munjaji Bhosale,
Age: 35 years, occ: Agri.,
R/o. Amba Tal. Basmath,
Dist. Hingoli.

..APPLICANT

VERSUS

The State of Maharashtra
through Department of Home
Affairs & anr

..RESPONDENTS

Mr H.T. Gaikwad, Advocate for applicant;
Mr K.L. Lokhande, Addl. Public Prosecutor for
respondents

CORAM : N.W. SAMBRE, J.

DATE : 7th MARCH, 2017

ORAL ORDER :

In Crime No. 29 of 2016, registered with Kurunda Police Station, Taluka Basmath, District Hingoli, for offences punishable under Sections 325, 506 read with Section 34 of the Indian Penal Code and under Sections 3(1)(r)(s), 3(1)(x), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), the applicant is seeking pre-arrest bail.

(2)

2. The application is opposed by learned Additional Public Prosecutor on the ground that there exists bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. According to him, there are eye witnesses to the incident and as such, the application needs to be rejected.

3. The perusal of first information report and other material on record depict that present applicant uttered caste based insulting words in general and not specific against the complainant. Though the incident in question had taken place on public place but there is hardly any material to infer said had taken place in public view, particularly there are no independent persons to witness the same. Shaikh Munir Shaikh Nawaz, who is claiming to be independent witness, if his statement is perused, he also speaks of general allegation made by the present applicant not directed specifically against individual.

(3)

4. In view thereof, in my opinion, the application needs to be allowed. Hence, the following order is passed : -

(i) In the event of arrest of the applicant, in Crime No. 29 of 2016, registered with Kurunda Police Station, Taluka Basmath, District Hingoli, for offences punishable under Sections 325, 506 read with Section 34 of the Indian Penal Code and under Sections 3(1)(r)(s), 3(1)(x), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), he be released on bail, on furnishing P.R. bond of Rs.25,000/-, with one or two sureties in the like amount.

(ii) The applicant shall not influence the prosecution witnesses or tamper with evidence.

5. Criminal Application stands allowed in above terms.

(4)

(N.W. SAMBRE, J.)

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