

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

13 CRIMINAL APPLICATION NO. 2000 OF 2017

KASHINATH S/O RAJKUMAR NAVALKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. V.D. Gunale
APP for Respondent/State : Mr. S.M. Ganachari
...

CORAM : T.V. NALAWADE, J.
DATED : May 2, 2017.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. Papers of investigation were made available to the Court for perusal.

2. The crime is registered at C.R. No. 60/17 in AUSA Police Station for the offences punishable under sections 149, 341, 323 etc. of I.P.C. and section 3 (1), 3 (2) (5) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and it can be said that provisions of sections 379 or 382 of I.P. C. can be added.

3. The F.I.R. was given in respect of incident dated 24.2.2017 on 25.2.2017 and the incident took place at about 4.45 p.m. The complainant and the present applicant and

accused persons are working as drivers and they are plying the taxis. Allegations are made that applicant had become angry with the complainant as the complainant had broken the queue and had collected the passengers in his taxi. Allegations are made that his vehicle was then intercepted by the present applicant and by taking the help of 5-6 associates, beating was given to the complainant. Allegations are made that during incident abuses were given by taking the name of caste of the complainant which is a scheduled caste. Allegations are made that during incident the complainant lost amount of more than Rs.8,000/- which was collected by him by plying taxi for about two days. There is M.L.C. showing that complainant sustained as many as four injuries showing that some incident did take place.

4. The learned counsel for applicant submitted that some incident had taken place, but the applicant was assaulted by complainant, but F.I.R. was not given and when the complainant thought that the present applicant may give F.I.R., he approached the police and lodged the complaint. The learned counsel for the applicant submitted that the F.I.R. was given late by one day and this circumstance is sufficient to show that there is false implication. In view of the aforesaid material and the record showing that some incident did takes it is not possible to

infer that it is false implication. Some incident did take place and now there are allegations of aforesaid nature and there is also the medical record. In view of these circumstances, this Court holds that there is bar of section 18 of the aforesaid Special Enactment to grant relief in favour of the applicant.

5. In the result, the application is rejected. Interim relief is vacated. The observations are for the purpose of present proceeding only.

[T.V. NALAWADE, J.]

ssc/