

CRIMINAL APPLICATION NO. 2383 OF 2017

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WITH

CRIMINAL APPLICATION NO. 2326 OF 2017

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DATED : 15th MAY, 2017

O R D E R :

These are the applications for bail filed by the applicants under Section 439 of the Code of Criminal Procedure in connection with Crime No.

199 of 2017, registered against the applicants with Rural police station Nanded, District Nanded, for the offences punishable under Sections 143, 147, 336, 295, 427, 323, 504, 506 of the Indian Penal Code and under Section 3(1)(R)(S)(T) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the basis of the information given by one Suresh Namdeo Bhalerao. The sum and substance of the allegations against the applicants is that on the relevant day the work of fixing tiles was going on at the Boudh Vihar and there was some exchange of words between the community of applicants and the complainant. On the basis of that aspect, in the evening all the applicants along with other accused persons have abused the complainant on his caste and they threw the photos of Dr. Babasaheb Ambedkar and Gautam Buddha. The applicants and other accused persons have pelted stones and abused the family members of the complainant. On the basis of information given by the complainant, an offence came to be registered against the applicants and

other accused persons.

2. Heard Mr. Choudhary, learned counsel appearing for the applicants, who submits that there are no specific allegations against any of the applicants and merely there is a vague statement in reference to the communal abuse. Further more, the complainant and his family members belong to Buddha community which is not covered under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Mr. Choudhary, learned counsel further submits that investigation of the crime is practically over. The accused persons are behind the bars from 26.4.2017.

3. As against this, learned A.P.P. appearing for the respondent/State submits that the names of the applicants are mentioned in the first information report. The complainant and witnesses belong to the Scheduled Caste and if the accused persons are released on bail they will tamper with the evidence of prosecution and there will be communal tension between the two groups of the

community. Therefore, on this ground, learned A.P.P. has opposed the bail application.

4. I have perused the contents of the first information report, from which it appears that there are no specific allegations against any of the applicant. There is vague statement in general about abuses given by the applicants to the complainant and his family members. Furthermore, the accused persons are behind the bars since 26.4.2017.

5. Learned A.P.P. appearing for the respondent/State has made available the papers of investigation. On perusal of same, it appears that the statements of almost all the witnesses are recorded including the statement of eye witness. The only apprehension of the prosecution is that if the accused persons are released on bail, they will tamper with the prosecution evidence. The said grievance of the prosecution can be ventilated by putting certain conditions of bail upon the applicants.

6. Hence the following order.

(i) The application is allowed.

(ii) Each of the applicants shall be released on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- with one surety in the like amount.

(iii) The applicants shall attend the Rural police station Nanded once in a week between 12.00 noon and 2.00 p.m. till filing of the charge sheet.

(iv) The applicants shall not tamper with the evidence of prosecution in any manner.

7. Both the applications are disposed of.

(K.L.WADANE, J.)

dbm/crap2383.17