

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 48 OF 2017

1. Deepak Ramrao Pujari		
2. Bhau Nagnath Dudhal		
3. Amol @ Pradip Vilas Waghmode	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Jaydeep Mane, Advocate for the applicants.

Mrs. Rutuja Ambekar, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **11th January, 2017.**

P.C.:

This Application is moved by the applicants/accused for pre-arrest bail, as they are apprehending arrest in C.R. No. 244 of 2016 registered with Kamati Police Station, Solapur for the offences punishable under sections 3(1)(r)(s), 3(1)(w)(ii), 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and also under sections 324, 323, 504, 506, 143, 147, 148, 149 and 354(A)(1) of the Indian Penal Code. The complaint was registered at the instance of Parmeshwar Kamble on 8th December, 2016.

2. Though this is the first date, Investigating Officer is present alongwith the file and hence, this matter is being finally disposed of.

3. It is the case of the complainant that he belonged to Mahar caste.

On 7th December, 2016 in the village meeting, his brother and applicant-

accused and co-accused had verbal altercations, however, the quarrel was settled. On the same day, in the evening at around 7 p.m. the applicant-accused and co-accused armed with sticks and rods went to the house of the complainant. They all abused the complainant and his family members by their caste and assaulted the complainant, his brother, mother and sister. Thereafter the offence was registered against the applicant-accused and co-accused. The applicants-accused were taken in custody on 8th December, 2016. Hence, this Bail Application.

4. The learned counsel for the applicants-accused has submitted that the applicants-accused do not have any criminal record. The applicants have not uttered any derogatory words. They are innocent. Except the offence under Scheduled Castes and Scheduled Tribes, the offence under other sections are bailable. The learned counsel for the applicant-accused submitted that the accused are from nomadic tribe and this Court has granted bail to the co-accused by order dated 6th January, 2017.

5. Learned APP opposed the Anticipatory Bail Application and has submitted that all the accused have abused the complainant and his family members by their caste. A specific role is attributed to the applicant-accused Deepak Pujari. There is bar under section 18 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act to invoke the jurisdiction of the Court under section 438 of Cr. P.C., hence the

Anticipatory Bail Application be rejected.

6. Perused the FIR and the other documents. Except the offences under section 324 of Indian Penal Code and under Scheduled Castes and Scheduled Tribes Act, all the offences are bailable. On instructions, the learned APP confirms that all the applicants-accused belonged to nomadic tribe. In the present case, no specific role is attributed to either of these applicants-accused in respect of utterance or abuse by caste. The allegations are made generally. One of the applicants-accused, i.e., Deepak Pujari had assaulted the complainant with stick, however, none of the applicants-accused have criminal antecedents. Considering these facts and the nature of injuries, I am of the view the bar under section 18 of Scheduled Castes and Scheduled Tribes cannot be attracted at this stage and custodial interrogation of the applicants-accused is not required. Hence, pre-arrest bail is granted to the applicants/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the applicants/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.20,000/- each with one or two sureties in the like amount;
- (iii) The applicants shall not contact, harass or threaten the complainant and his family members

- (iv) The applicants shall not indulge into any criminal activity.
- (v) The applicants shall attend the concerned police station on every Monday and Friday between 5 p.m. to 7 p.m. till the filing of the charge sheet.

7. The Application for Anticipatory bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)