

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (ABA) NO. 49 OF 2017

(DURGAPRASAD RAMHARAK MISHRA...VS.. STATE OF MAH. THR. P.S.O. DHARNI, DIST.
AMRAVATI)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri K.B.Zinjarde, Advocate for applicant.
Shri V.A.Thakare, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 15, 2017.

Heard.

The applicant, apprehending arrest in crime registered against him and others including his three sons for the offences punishable under Sections 147, 148, 149, 342, 504, 506, 279, 324 & 325 of the Indian Penal Code and Sections 3(1)(v) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has sought pre-arrest bail. The complaint lodged against the applicant shows that the incident occurred because of the trivial incident in which motor cycle of son of the complainant fell because of cut given by the vehicle of co-accused Pammi.

The application is principally opposed on the ground that the prayer of the applicant for pre-arrest bail cannot be granted in view of the bar of under Section 18 of the the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

On examining the first information report with the assistance of the learned Additional Public Prosecutor, I find that *prima-facie*, there is no accusation against the applicant on the basis of which it can be said that the applicant has committed offence punishable under Sections 3(1)(v) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The applicant is aged about 62 years and is legal practitioner. The applicant has stated that he is not involved in any other crime/ offence. The Investigating Agency has not been able to point out that the custody of the applicant is required for further investigation.

Considering the facts of the case, I am convinced that the applicant is entitled for pre-arrest bail.

Hence, the following order:

In the event of arrest in Crime No.5 of 2017, registered by the non-applicant, the applicant be released on bail on furnishing P.R. Bond of Rs. Fifteen Thousand with one solvent surety in the like amount.

The application is **allowed** accordingly.

JUDGE