

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

CRIMINAL APPLICATION (ABA) NO.143/2017

Suresh Namdeorao Kale and another

..Vs..

The State of Maharashtra, through Police Station Officer, Paratwada, Tq.
Achalpur, Distt. Amravati

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

Court's or Judge's orders

Shri S.D. Harode, Adv. for the applicants.
Shri F.T. Mirza, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 20.6.2017.

Heard.

The applicants (husband and wife), apprehending arrest in crime registered against them for for the offence punishable under Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 294, 504, 506 read with Section 34 of the Indian Penal Code, have sought pre-arrest bail.

The facts on record show that the complaint by the complainant is outcome of a trivial dispute which took place because of noise created by children while playing and which resulted in disturbing the buffalo which was being milked by the applicant No.1.

The application is opposed mainly on the ground that prayer for grant of pre-arrest bail cannot be considered in view of bar created by Section 18 of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

I have examined the F.I.R. Though the F.I.R. shows that the complainant has given details of the abuses hurled at her, ingredients necessary to constitute the offence punishable under Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 prima facie are lacking and the prosecution will have to prove its case at the trial.

This Court has granted protection to the applicants by order passed on 10th March, 2017. Nothing adverse is pointed out against the applicants and the non-applicant has not been able to show that custody of the applicant is required for further investigation.

Considering the nature of incident, nature of accusations and the facts of the case, the interim order passed on 10th March, 2017 is confirmed. The application is **allowed** accordingly.

JUDGE