

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

CRI. APPLICATION (ABA) NO. 193 OF 2017

(KHUSHAL NIVRUTTI DHONE & ANR...VS.. STATE OF MAH. THR. P.S.O. RISOD, DISTT. WASHIM)

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

Court's or Judge's orders

Shri S.V.Deshmukh, Advocate for Applicants.
Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 23, 2017.

Heard.

The applicants, apprehending arrest in crime registered against them for the offences punishable under Sections 143, 354, 452, 427, 323, 504 and 506 of the Indian Penal Code and Sections 3(1)(r), (s), (t) & (w)(i) & (ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, have sought pre-arrest bail. The crime is registered on the complaint lodged by Sau. Anita Subhash Pawar that on 4th March, 2017 at about 8.00 p.m. the applicants along with 6 others barged into her house and dragged her out by holding her hair and abused her asking whereabouts of her husband.

According to the applicants, false complaint is lodged because of political rivalry and after the husband of the complainant lost elections of the post of Sarpanch and Babybai Pawar got elected and applicant No.1, who is member of the Gram Panchayat supported the elected candidate. The learned advocate for the applicants has

argued that the complaint is lodged about the alleged incident dated 4th March, 2017 on 6th March, 2017 and there is no explanation for this delay.

The applicants claim to be agriculturists and have stated that they are not involved in any other crime/ offence. The applicants are granted interim protection by this Court by the order passed on 29th March, 2017 with condition that the applicants will attend the Police Station and co-operate with the investigation. It is not the complaint of the Investigating Agency that the applicants have not co-operated with the investigation.

Though the learned A.P.P. opposed the application relying on Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on examining the first information report *prima-facie* I find that the ingredients of the offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not made out and the prosecution will have to prove its case at the trial. The non-applicant has not been able to point out that the custody of the applicant is required for further investigation.

Hence, the following order:

The interim order passed on 29th March, 2017 granting pre-arrest bail to the applicant is confirmed.

The application is **allowed** accordingly.

JUDGE