

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

CRI. APPLICATION (ABA) NO. 189 OF 2017

(ASHRUBA RAMKISAN SAWANT & ORS. ..VS.. STATE OF MAH. THR. P.S.O. RISOD, DISTT. WASHIM)

AND CRI. APPLICATION (ABA) NO. 255 OF 2017

(SHRIRAM S/O VALJNATH KHATKE AND ANR. ..VS.. STATE OF MAH. THR. P.S.O., P.S. RISOD, TAH. 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. ..(In both applications)

CORAM : Z.A.HAQ, J.

DATED : JULY 3, 2017.

Heard.

The applicants, apprehending arrest in connection with crime registered against them and others for the offence 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 others barged into her house and dragged her out holding her hair and abused her asking whereabouts of her husband.

According to the applicants, false complaint is lodged because of political rivalry. 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, except applicant No.1 in Cri. Apln. (ABA) No.255/2017 who claims to be an agricultural Labourer, and have stated that they are not involved in any other crime/ offence. The applicants in Crim. Apln. (ABA) No.189/2017 are granted interim protection by this Court by the order passed on 27th March, 2017 and the applicants in Crim. Apln. (ABA) No.255/2017 are granted interim protection by this Court on 13th April, 2017 with condition that the applicants shall 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 applicants is required for further investigation.

Hence, the following order:

The interim orders passed on 27th March, 2017 (in Crim. Apln. (ABA) No.189/2017) and on 13th April, 2017 (in Crim. Apln. (ABA) No.255/2017) are confirmed.

The applications are **allowed** accordingly.

JUDGE