

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

CRIMINAL APPLICATION (ABA) NO.363/2017

Sunil S/o Kisanrao Borkar

..Vs..

State of Maharashtra, through Police Station Officer Ansing, Dy. S.P.
Mangrulpur, 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 A.M. Ghare, Adv. for the applicant.
Shri S.P. Deshpande, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 29.6.2017.

Heard.

The applicant, apprehending arrest in crime registered against him for the offence punishable under Section 354-D of the Indian Penal Code and Sections 3(1)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has sought pre-arrest bail.

The crime is registered on the complaint lodged by a woman, aged about 28 years, that the applicant is calling her on her cell phone and talking indecently with her.

According to the investigating agency, the call detail report shows that the complainant received calls from 9552282741 and 9075368483, however, the non-applicant has not been able to show that these 2 sim

cards are registered in the name of the applicant or have been in use by the applicant.

The application is opposed mainly on the ground that Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 bars the grant of relief as prayed in the application.

After examining the F.I.R. I find that the necessary ingredients to constitute the offence punishable under Sections 3(1)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are prima facie not made out and the prosecution will have to prove its case at the trial.

The applicant, aged about 46 years, claims to be working as a Teacher and has stated that he is not involved in any other crime / offence. The non-applicant has not been able to show that custody of the applicant is required for further investigation.

Considering the facts of the case, following order is passed:

In the event of arrest in Crime No.79/2017, registered by the non-applicant, the applicant be released on bail on executing P.R. bond for Rs.10,000/- (Rs. Ten Thousand).

The application is **allowed** in the above terms.

JUDGE