

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

CRI. APPLICATION (ABA) NO. 375 OF 2017

(ANNARAO SAHEBRAO CHAUHAN...VS.. STATE OF MAH. THR. P.S.O. POFALI, DISTT. YAVATMAL)

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

Court's or Judge's orders

Shri A.B.Moon, Advocate for Applicant.
Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 20, 2017.

Heard.

The applicant, apprehending arrest in crime registered against him for the offences punishable under Sections 323 and 506 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has sought pre-arrest bail. The crime is registered against the applicant on the complaint of Vinod Vasantrao Ghatge that when he went to fetch water from the well in the field of cousin brother of the accused, the accused abused him and assaulted him.

The application is opposed mainly on the ground that the provisions of Section 438 of the Code of Criminal Procedure cannot be invoked by the applicant in view of the bar created by Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

After examining the first information report, I find that *prima-facie* offence punishable under Section 3(1)(r) and

(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not made out and the prosecution will have to prove its case at the trial. The applicant, aged about 35 years, claims to be an agriculturist and has stated that he is not involved in any other crime/ offence.

Considering the nature of accusations against the applicant and the facts recorded above and as the non-applicant has not been able to show that the custody of the applicant is required for further investigation, the order passed by this Court on 6th June, 2017 granting interim protection to the applicant is confirmed.

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

JUDGE

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