

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

CRI. APPLICATION (ABA) NO. 405 OF 2017

(GAJANAN VISHNU DAHALKE...VS.. STATE OF MAH. THR. P.S.O. RISOD, DIST. 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.A.Chaudhari, Advocate for applicant.
Shri M.J.Khan, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 15, 2017.

Heard.

The applicant, apprehending arrest in crime registered against him for the offences punishable under Sections 392, 354-A, 504 of the Indian Penal Code and Sections 3(1)(w)(i)(ii) and 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, has sought pre-arrest bail. The complaint is lodged by Rohini Mahendra Khandare, aged about 45 years that on the date of incident she had gone along with her niece Manisha to drop her at the bus-stop, the applicant suddenly came behind her back and pushed the complainant, assaulted her and abused her.

The application is opposed on the ground that the prayer for pre-arrest bail cannot be granted in view of the bar created by Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The learned Additional Public Prosecutor has further submitted that the investigation is still in progress and there is prima-facie material against the accused to show his involvement in the crime.

The copy of the reply, which was filed by the Investigating Agency before the Sessions Court, is placed on record.

After examining the first information report and the copy of the reply of the Investigating Agency, I find that there is nothing to show that the accused had been knowing the complainant. I find that *prima-facie* ingredients necessary to constitute offence punishable under Sections 3(1)(w)(i) (ii) and 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are lacking.

The applicant claims to be an engineering graduate and to be in the employment with POSCO Maharashtra Steel Pvt. Ltd. The applicant has stated that he is not involved in any other crime/ offence. These facts are not controverted by the non-applicant. In the facts of the case, I am convinced that the applicant is entitled for pre-arrest bail.

Hence, the following order:

In the event of arrest in Crime No. 134 of 2017, registered by the non-applicant, the applicant be released on bail on furnishing P.R. Bond for Rs.Ten Thousand with one solvent surety in the like amount.

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

JUDGE