

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

CRI. APPLICATION (ABA) NO. 436 OF 2017

(DR. PRAMOD WASUDEO SALVE...VS.. STATE OF MAH.THR. P.S.O. DHANORA, DIST.
GADCHIROLI)

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

Court's or Judge's orders

Shri Anil Mardikar, Sr.Adv. A/b. Shri R.M.Daga, Adv. for Applicant.
Shri A.D.Sonak, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 22, 2017.

Heard.

This application is filed by the applicant seeking pre-arrest bail in crime registered against him for the offences punishable under Sections 294, 354-A, 504, 506, 509 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The crime is registered against the applicant on the complaint of the complainant who was students of the nursing college administered by the society of which the applicant had been the President. The accusations against the applicant are that he misbehaved with the complainant.

The applications are opposed on the ground that there is material showing involvement of the applicant in the crime and that the application under Section 438 of the Code of Criminal Procedure cannot be considered in view of the bar created by Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is submitted that 3 more crimes for offences of similar nature are registered against the applicant on complaints of 3 other female students of the college.

On examining the first information report, I find

that the ingredients necessary to constitute the offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are *prima-facie* not made out against the applicant and the prosecution will have to prove its case at the trial.

The complaints of other 3 students and this complaint are lodged simultaneously.

The applicant has pointed out that earlier two crimes for the offence punishable under Sections 13(1)(d) and 13(11) of Prevention of Corruption Act are registered against the applicant, one in 2010 and another in 2014 and in both the cases the prosecution is pending.

The contention of the applicant is that he is falsely implicated in the crimes registered against him.

In the other 3 cases registered on the complaints of 3 other students, I have granted pre-arrest bail to the applicant by order passed today.

Considering the accusations against the applicant and the facts of the case, the following order is passed:

In the event of arrest in Crime No.12/2017 registered by the non-applicant, the applicant be released on bail on executing P.R. bond for Rs.50,000/- (Rs. Fifty Thousand) and on furnishing one solvent surety in the like amount. The application is **allowed** accordingly.

JUDGE