

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

CRI. APPLICATION (ABA) NO. 435 OF 2017

WITH

CRI. APPLICATION (ABA) NO. 437 OF 2017

WITH

CRI. APPLICATION (ABA) NO. 438 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.

These three applications are filed by the same applicant seeking pre-arrest bail in crimes registered against him for the offences punishable under Sections 420, 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. These crimes are registered against the applicant on the complaint of three different complainants who were students of nursing college administered by the society of which the applicant had been the President. In the three cases accusations against the applicant are that he misbehaved with the complainants.

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.

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 accusations against the applicant are that he had been harassing the complainants since 2014-15. All the three complaints are lodged on 20th February, 2017. Before the complaints are lodged a common complaint signed by 10 students is submitted to the Incharge-Police Station Officer pointing out the irregularities and illegalities in the hostel.

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.

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

In the event of arrest in Crime Nos.14/2017, 15/2017 and 16/2017 registered by the non-applicant, the applicant be released on bail on executing P.R. bond for Rs.50,000/-(Rs. Fifty Thousand) in each crime and on

furnishing one solvent surety in the like amount in each crime. The applications are **allowed** accordingly.

JUDGE

Raut./Tambaskar.