

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

CRI. APPLICATION (ABA) NO. 514 OF 2017

(ASHOK SHIVRAM GOTE & 5 OTHERS....VS.. STATE OF MAH.THR.P.S.O., 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.S.Deshpande, Advocate for Applicants.
Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JULY 20, 2017.

Heard.

Apprehending arrest in connection with Crime No.0210 of 2017 registered for the offences punishable under Sections 324, 143, 147, 148 and 149 of the Indian Penal Code and Section 3(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 the applicants seek pre-arrest bail. The crime is registered on the complaint lodged by Ramesh Shankar Khadse that Baban Shankar Khadse (brother of the complainant) had been to his house on 7th July, 2017 at about 6.50 p.m. and was uttering something unwanted, the complainant asked him to stop the utterances because of which the dispute triggered and that time Ashok Shivram Gote (applicant No.1) tried to intervene and then slapped the complainant and abused him.

Apart from the submission that investigation is in progress, the application is opposed on the ground that prayer made in the application filed under Section 438 of the Code of Criminal Procedure 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.

I have examined the first information report. In my view, the ingredients necessary to constitute the offence punishable under Sections 3(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not *prima-facie* existing and the prosecution will have to prove its case at the trial.

The applicant Nos. 2, 5 and 6, aged about 25 years, 23 years and 19 years, respectively, claim to be students and have stated that they are not involved in any other crime/ offence.

The applicant Nos. 1, 3 and 4 claim to be in private service and have stated that they are not involved in any other crime/ offence. The non-applicant has not been able to point out that custody of the applicants is required for further investigation.

Considering the facts of the case and nature of the incident, following order is passed:

In the event of arrest in connection with Crime No.0210 of 2017, registered by the non-applicant, the applicants be released on bail on executing P.R. Bond for Rs.Ten Thousand each.

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

JUDGE