

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

CRIMINAL APPLICATION (ABA) NO.721/2016

Dhanraj @ Dharmayya Kisteya Wadalakonda

..Vs..

State of Maharashtra, through Police Station Officer, Police Station Asarali,
Tah. Sironcha, Distt. Gadchiroli

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

Court's or Judge's orders

Shri A.R. Fule, Adv. for the applicant.
Shri A.M. Deshpande, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 8.6.2017.

Heard.

The applicant has sought pre-arrest bail in crime registered against him for the offence punishable under Sections 354-D, 504, 509 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Accusations against the applicant are that he had been sending objectionable messages to the complainant.

The complainant is a married woman and Sarpanch of Grampanchayat Asarali. The applicant is Up-Sarpanch of the Grampanchayat Asarali. The offence punishable under Sections 354-D, 504 and 509 of the Indian Penal Code are bailable. Only the offence punishable under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act is non-bailable. After going through the complaint, *prima facie*, I find that the necessary ingredients to constitute the offence punishable under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are not made out.

The application is opposed mainly on the ground that earlier also the applicant is involved in two crimes / offences punishable under Sections 392, 384, 295, 323, 506(B), 143, 147 and 148 of the Indian Penal Code.

Be that as it may, considering the facts of the case and as the applicant is granted protection by this Court by order passed on 27th October, 2016 and as the investigating agency has not made any complaint against the applicant that he has misused the protection, in my view, the interim order granted on 27th October, 2016 is required to be confirmed. It is confirmed. The application is **allowed** accordingly.

JUDGE