

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.853 OF 2017

1 .Rambhau Kisan Gore
2. Nawanath Rambhau Gore,
3. Ramkor Rambhau Gore,
All R/o Sonkhas, Washim

-vs-

State of Maharashtra, Thr. PSO, PS Washim (Gramin), Dist. Washim.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Vijaykumar Paliwal, Advocate for applicants.
Ms Shamsi Haider, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : December 08, 2017

Heard.

After arguing the application for sometime, the learned counsel, on instructions, seeks permission to withdraw the same with regard to applicant Nos.1 and 2. Permission granted.

The applicant No.3 apprehends her arrest in connection with Crime No.324/2017 registered with Police Station Washim (Gramin), Dist. Washim for the offence punishable under Sections 326, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

As per the First Information Report dated 03/11/2017 it is stated by the informant that she and her husband were

grazing their sheep near their house. The applicant Nos.1 and 2 came there. The applicant No.2 assaulted the informant's husband while applicant No.1 gave abuses in the name of her caste. The applicant No.3 is stated to have assaulted the informant with kicks and blows.

It is submitted on behalf of applicant No.3 that the only allegation against her is of giving kicks and blows to the informant. The other overt acts are attributed to the other applicants. Said applicant is aged about 55 years and hence there is no need to grant her custodial interrogation.

The application is opposed by the learned Additional Public Prosecutor by filing the reply. It is submitted that statements recorded indicate that applicant No.3 had also assaulted the informant's husband. Considering injuries sustained, the applicant No.3 does not deserve to be granted protection.

Perused the statements as well as the report. In so far as applicant No.3 is concerned, the only role attributed is of assault by kicks and blows. Other overt acts are attributed to the other applicants. Hence applicant No.3 is entitled for protection.

Hence in the event of arrest of applicant No.3 Ramkor Rambhau Gore in connection with Crime No.324/2017 registered with Police Station Washim (Gramin), Dist. Washim for the offence punishable under Sections 326, 324, 323, 504,

506 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, she shall be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant No.3 shall attend the concerned police station as and when directed by the Investigating Officer. No steps be taken to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed as regards applicant No.3.

Application is disposed of as withdrawn as regards applicant Nos.1 and 2.

JUDGE