

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

CRIMINAL APPLICATION (ABA) NO.9/2018

Bandu Govindrao Dahatonde and ors

..VS..

State of Mah., thr. PSO Mangrulpir, District Washim

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

Court's or Judge's Order

.....
Shri V.K. Paliwal, Counsel for the applicants.
Shri Sandip Tatke, Counsel for complainants.
Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 29, 2018.

1. Heard learned counsel Shri V.K. Paliwal for the applicants, learned Additional Public Prosecutor Shri N.B. Jawade for the State, and learned counsel Shri Sandip Tatke for the complainants.

2. The First Information Report (FIR) is lodged by two persons viz. Vinod Niranjana Tatke and Suresh Atmaram Tatke. According to the FIR, on 12.11.2017 when they were proceeding for their private work at Mangrulpir, the persons named in the FIR came and out of that persons, one Amol used abusive language in the name of caste.

3. On the basis of the first information report, crime was registered as Crime No.393/2017 with Police Station Mangrulpir, District Washim for the offences punishable under Sections 323, 341,

504, 506, and 141 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. From the reply and also from the other documents, it is clear that there is a long standing dispute in respect of cremation/burying ground.

5. Though the names of the present applicants are appearing in the FIR, it is not stated in the FIR that these 3 persons used abusive language in the name of the caste of the first informants nor there is any specific overt act against them.

6. In that view of the matter, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicants Bandu Govindrao Dahatonde, Pradip Rameshwar Mishal, and Anil Janardhan Dahatonde, in the event of their arrest in connection with Crime No.393/2017 registered with Police Station Mangrulpur, District Washim for the offences punishable under Sections 323, 341, 504, 506, and 141 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicants be released on bail on their executing P.R. Bond in the

sum of Rs.25,000/- by each of them with two solvent sureties of the like amount by each of them.

(c) The applicants shall attend the SDPO at Mangrulpir, District Washim once in a week i.e. on every Monday of every week and shall be with the investigating agency from 2:00 p.m. to 5:00 p.m., till filing of the charge-sheet.

(d) The applicants shall not extend any type of threats to the first informants or any other prosecution witnesses.

(e) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

(f) The criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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