

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

CRIMINAL APPLICATION (ABA) NO.34/2018

Vitthal Manik Dahatonde and ors

..vs..

State of Mah., thr. PSO PS Mangrulpur, District Washim

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

Court's or Judge's Order

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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 30, 2018.

1. Yesterday, this matter was taken up for hearing along with Criminal Application (ABA) No.9/2018. After hearing 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. This application was taken for consideration along with connected application i.e. Criminal Application (ABA) No.9/2018 since both the applications arise out of Crime No.393/2017. The copy of the said FIR is filed in the said A.B.A. Application after considering the F.I.R. in Crime No.393/2017. This Court has granted bail in favour of the applicants. However, in the evening, when the Court was about to sign the said orders, it was noticed that in the present application First Information Report (FIR) in question was not annexed. However, the

FIR of other crime was placed on record. Therefore, the matter was ordered to be listed again today. Accordingly, the matter is before this Court.

2. Learned counsel Shri V.K. Paliwal for the applicants has filed the FIR in question i.e. FIR No.393/2017 which is taken on record and the said is marked as 'Annexure-X' for the purposes of identification. The FIR does not show specific allegations against the applicants that the applicants have used abusive language against the complainants in the name of their caste.

3. Learned Additional Public Prosecutor Shri N.B. Jawade for the State submits that there is no material to point out that the applicants used abusive language in the name of caste.

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

ORDER

(a) The criminal application is allowed.

(b) Applicants Vitthal Manik Dahatonde, Mangesh Ganesh Dahatonde, and Suresh Kashinath Dahatonde, in the event of their arrest in connection with Crime No.393/2017 registered 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 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.

(g) In view of disposal of the main application, Misc. Criminal Applications, if any, also stand disposed of.

JUDGE

!! BRW !!

...../-