

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

CRIMINAL APPEAL NO. 289/2018

Nagorao Wamanrao Surve & ors.

..VS..

State of Maharashtra, Through PSO, PS, Mangrulpir, Dist. 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.M. Ghare, Advocate for the appellant(s)
Shri K. Luley, APP for the respondent

CORAM : Z.A.HAQ, J.
DATED : 20/08/2018

Heard.

This appeal is filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the Act of 1989")

By the impugned order, the learned Additional Sessions Judge has dismissed the application filed by the appellants/accused under Section 438 of the Code of Criminal Procedure.

The contents of the first information report lodged by the informant are not sufficient to hold prima facie case that offences under Sections 3(1)(ii), 3(1)(iii), 3(1)(iv), 3(1)(vi), 3(1) (vii) & 3 (2) of the Act of 1989 are made out.

The Investigating Agency has not been able to show that custodial interrogation of the appellants is necessary for the investigation.

The first information report was lodged on 30/03/2018. The appellants/accused have enjoyed the protection till today. Investigating Agency has not made any

grievance that the appellants/accused have misused the liberty.

Hence, the following order is passed:-

(i) In the event of arrest in connection with Crime No. 107/2018 registered by the respondent, the appellants/accused be released on bail on furnishing P.R.Bond for Rs. 10,000/- (Rs. Ten Thousand only) each and one solvent surety/security in the like amount for each of the appellant.

(ii) The appellant no. 2/Kishor S/o Maroti Surve, the appellant no. 3/Sandip S/o Mahadeo Surve and the appellant no. 5/Shrikrushna S/o Nagorao Surve shall attend the police station, Mangrulpir, Dist. Washim on 24/08/2018, 31/08/2018, 07/09/2018 and 14/09/2018 between 11:00 am to 3:00 pm.

The appeal is allowed in the above terms.

JUDGE

Ansari