

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

CRIMINAL APPEAL NO.469 OF 2018

(SHEIKH ARIF SHEIKH IQBAL ...VS.. STATE OF MAH. THR. PSO PS SADAR & ANR.)

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

Court's or Judge's orders

 Shri D.V.Chauhan, Advocate for Appellant.
 Shri H.D.Dube, A.P.P. for Respondent.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 08, 2018.

None appears for the respondent No.2 (complainant-victim), though served. Heard learned advocate for the appellant and the learned A.P.P. for the respondent No.1.

Apprehending arrest in connection with Crime No.243 of 2018 registered by the respondent No.1 against the appellant for the offences punishable under Sections 504 and 506 of the Indian Penal Code read with Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 66-A and 66-C of the Information Technology Act, 2000 the appellant-accused had filed application under Section 438 of the Code of Criminal Procedure, which is dismissed by the impugned order.

The First Information Report is registered by the respondent No.1 on the complaint lodged by the victim. The facts on record show that the marriage between the complainant and the appellant had taken place on 21st February 2017 and since prior to the marriage they had been knowing each other. The facts on record further show that now, the relations between the complainant and the appellant

are strained and the complainant had earlier lodged complaint on the basis of which Crime No.145 of 2018 is registered against the appellant for the offence punishable under Section 376 of the Indian Penal Code. In Criminal Application No. 145 of 2018 this Court has passed an order on 6th September 2018 granting protection to the applicant and directing that in the event of his arrest in connection with that crime, he be released on bail.

Now, Crime No.243 of 2018 is registered against the applicant on the complaint lodged by the complainant, accusations being that the appellant has misused E-mail ID of the complainant and has put abusive status of the appellant on WhatsApp.

The learned advocate for the appellant has argued that even according to the complainant, the alleged abusive messages are not communicated to her and therefore, it cannot be said that any offence under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out.

Considering the facts of the case and as the respondent No.1 has not been able to substantiate that custodial interrogation of the appellant is necessary, following order is passed:

In the event of arrest in connection with Crime No.243 of 2018, registered by the respondent, the applicant be released on bail on executing P.R. Bond for Rs.Twenty Thousand.

The appeal is **allowed** accordingly.

CRI.APPLN.NO. 745 of 2018.

In view of disposal of the appeal, the application praying for grant of time to file certified copy of order and typed copy of FIR, does not survive, hence, it is **disposed**.

JUDGE

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