

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

955 CRIMINAL APPEAL NO.216 OF 2019

Ajit S/o Ratansingh Jamadar,
Age 43 years, Occu. Agri.,
R/o Shivankhed (Khurd),
Tq. Ahmedpur, District Latur. ... **Appellant.**

Versus

1. The State of Maharashtra,
Through the Police Inspector,
Police Station (City), Ahmedpur,
Tq. Ahmedpur, District Latur.
2. The District Superintendent of Police,
Latur, District Latur.
3. Sow. Rajabai W/o Subhash Sonkambale,
Age 53 years, Occu. Labourer,
R/o Shivankhed (Bk.),
Tq. Ahmedpur, District Latur. ... **Respondents.**

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Mr. S.V.Warad, Advocate for Appellant.
Mr. S.J.Salagare, APP for Respondents-State.
Mr. Sandip Rathod, Advocate for Respondent No.3.

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**CORAM : T.V.NALAWADE AND
MANGESH S. PATIL, JJ.**

DATE : 26th March, 2019

ORAL JUDGMENT (Per T.V.Nalawade, J.) :-

1. The proceeding is filed against the order of learned
Special Judge (Additional Sessions Judge) Ahmedpur,

District Latur made on Criminal Miscellaneous Application (Bail) No.12/2019 which was filed for anticipatory bail by the present appellant. The crime is registered at C.R.No.43 of 2019 in Ahmedpur Police Station for the offences punishable under Sections 307, 294 read with Section 34 etc. of IPC and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Both the sides are heard.

3. This Court has gone through copy of the FIR and papers of the investigation. There is no injury certificate in police papers. The crime was registered on 06.02.2019. The allegations are made that the first incident took place on 02.02.2019 and the second incident took place on 03.02.2019. The allegations are made that in the first incident dated 02.02.2019 present applicant who is uncle of Gotya Thakur was involved. Quarrels took place between Gotya Thakur and the first informant and the allegation is made that on 02.02.2019 present applicant gave instigation to Gotya that he should finish the first informant. Second incident took place on 03.02.2019 in the office of Village Panchayat where first informant was working as Sweeper. At the spot, beating was given by Gotya Thakur and brother to

the first informant and abuses by taking the name of her caste which is scheduled caste were also given. In the incident dated 02.02.2019 also only Gotya Thakur gave abuses by taking name of her caste. The bar of 18-A of aforesaid Special Act is applicable when the offence under the Special Act is committed. Apparently the material collected against the present appellant does not show that he committed the offence under aforesaid Special enactment. The main incident took place on 03.02.2019. In view of these circumstances, this Court holds that this is a fit case where anticipatory bail needs to be granted.

4. In the result, appeal is allowed. The decision of the learned Additional Sessions Judge, Ahmedpur given in Application No.12 of 2019 is hereby quashed and set aside. The application which was filed for anticipatory bail is allowed.

5. In case of arrest of the appellant in aforesaid Crime he is to be released on bail.

His executing Personal Recognizance for an amount of Rs.15,000/- and furnishing a surety in the like amount subject to routine and following conditions :

(a) He shall attend the concerned Police Station on four consecutive Sundays from today between 9.00 a.m. and 12.00 noon and he shall co-operate police during investigation.

(b) He shall not tamper the evidence or influence the witnesses.

6. Fees of the learned Advocate Mr. Sandip Rathod appointed on behalf of Respondent No.3 is quantified as Rs.3,000/ (Rupees Three thousand only), which would be payable by the High Court Legal Services Sub Committee at Aurangabad.

(MANGESH S. PATIL, J.)

(T.V.NALAWADE, J.)

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vmk/-