

CRIMINAL APPEAL NO. 1230 OF 2019

Versus

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Mrs. M. R. Tidke APP for the Respondent/State.

DATED : 17th DECEMBER, 2019.

P.C:-

1. Learned APP prays for time for want of instructions since, as Investigating Officer is not present. Notice to respondent No.2 is awaited. However, applicant has served respondent No.2 by way of private service and has placed on record affidavit of service.
2. Learned counsel for the applicants prays for interim

Sonali Patil

order contending that inspite of issuance of notice on 26th September, 2019, no reply is filed by the prosecution, though time was granted repeatedly.

3. Submissions advanced as above are found substantiated from the record. In the background of above facts, heard the learned counsel for the appellant and learned APP for the State. This appeal is for grant of anticipatory bail to the appellants who are involved in Crime No. 624 of 2019 registered by the Baramati Taluka Police Station for the offence punishable under Section 452, 323, 504, 506 r/w. 34 of Indian Penal Code and Section 3(1) (r) (s), 3(2), (5), (A), 3(1), (1), (a) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 4(25) of Arms Act.

4. Perusal of the FIR would prima facie reveal that alleged incident had taken place in the house of complainant and as such cannot said to be at public view, thereby attracting contravention of provisions of The Scheduled Caste and

Scheduled Tribes (Prevention of Atrocities) Act, 1989. Similarly, from the report it is found that the incident is alleged to have taken place on 3rd August, 2019 in respect of some incident, which took place in the year 2015, when complainant had filed some report against applicants and applicants having grudge in their mind of such report alleged to have committed present incident on 3rd August, 2019. The contents of report as as such are also not convincing. In that view of the matter, till time is granted to the prosecution to file affidavit-in-reply, following interim order is passed:-

ORDER

1. In the event of arrest of the applicants in Crime No. 624 of 2019 registered by Baramati Taluka Police Station, they shall be released on bail on their executing P. R. Bond in the sum of Rs.15,000/- each with one surety each in the like amount.
2. Applicants shall attend Investigating Officer, if called, till filing of the chargesheet.

(P. N. DESHMUKH, J.)