

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 ANTICIPATORY BAIL APPLICATION NO.320 OF 2021

HANUMANT MUKUNDA UDMALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Jadhav Vinod B
APP for Respondent-State : Mr. A. M. Phule

...
CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 24-03-2021.

ORDER :

1. Learned Additional Public Prosecutor points out that the offence that is registered against the present applicants is under Section 327, 452, 324, 323, 143, 147, 148, 149, 504, 506 of Indian Penal Code and under Section 3 (1) (r), 3 (1) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Since the offence under the Atrocities Act have been registered, the applicants cannot come under Section 438 of Code of Criminal Procedure before this Court, but then Section 14-A of the Atrocities Act would be maintainable.
3. It appears that the office objection has also been raised, but then the Advocate has made statement on the presentation form regarding the maintainability of the anticipatory bail. In fact, it is absolutely not even necessary to give a hearing to the learned

Advocate for the applicant on this point as the facts are very clear that the applicant had approached the Special Judge under the Atrocities Act under Section 438 of Code of Criminal Procedure and his bail application has been rejected. Therefore, taking into consideration the Section 14-A of Atrocities Act, only the appeal would lie.

4. The learned Advocate for the applicants prays for allowing him to file the appeal and withdrawal of this application.

5. It will not be out of place to mention here that the conversation of this petition / application to appeal cannot be allowed and, therefore, he will have to file a separate appeal, and the point of limitation would then be kept open. With all those parameters to be observed, he is allowed to withdraw this application, however he should also pay the deficit Court fee within two (2) days before this Court.

6. In view of above, application stands disposed of as withdrawn.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-