

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

CRIMINAL APPEAL NO. 603 OF 2021

Shri. Punjaram S/o Keshav Dhanure,
Age : 50 Years, Occ. Labour,
R/o. At Post Balsane,
Taluka Sakari, District Dhule.

..APPELLANT

V E R S U S

1. The State of Maharashtra,
Through Police Inspector,
Nizampur Police Station,
Tq. Sakri, District Dhule
2. Mrs. Kusumbai Narayan Paradhi,
Age : 51 Years, Occ. Agriculture,
R/o. At Post Dhanora, Tq. Chopada,
District Jalgaon.

..RESPONDENTS

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Advocate for the Appellant : Mr. C. V. Bhadane
A.P.P for Respondent No.1 State : Mr. R. B. Bagul
Advocate for Respondent No.2 : Mr. A.S. Wakode
(Appointed)

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CORAM : N.R. BORKAR, J.
DATE : 22.12.2021

ORDER :-

This appeal takes an exception to the order dated 16.11.2021 passed by the learned Additional Sessions Judge, Dhule in Criminal Bail Application No. 994 of 2021.

2. The appellant who is accused in Crime No. 42 of 2021 registered at Nizampur Police Station, Taluka Sakri, District Dhule for the offences punishable under Sections 504 and 506 of the Indian Penal Code and Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 had filed application for anticipatory bail. The said application came to be rejected by the order impugned.

3. I have heard the learned counsel for the applicant, learned APP for the respondent State and learned counsel for respondent No. 2.

4. Learned counsel for the applicant submits that just to grab the land owned by the appellant, false complaint came to be lodged against him. It is further submitted that there is delay in lodging the First Information Report. It is submitted that nothing is to be recovered from the present appellant & therefore there is no need of custodial interrogation. It is submitted that thus the order impugned may be set aside and the appellant may be released on anticipatory bail.

5. On the other hand, the learned A.P.P. for the Respondent -State submits that there are specific allegations in relation to offences punishable under Atrocities Act. It is submitted that considering the nature of offence, and in view of the bar to entertain the application for anticipatory bail under Section 18 of the Atrocities Act, the learned Session Court was justified in rejecting the anticipatory bail application of the present appellant.

6. I have perused the First Information Report. According to respondent No.2-complainant the alleged incident took place on 27.10.2021, however, the first information report came to be lodged on 01.11.2021. According to the respondent No.2 the appellant/accused abused her on her caste, when she along with her sister met the appellant/accused and questioned him in relation to alleged encroachment done by him on their land. However, according to the complainant herself, the appellant/accused committed the said encroachment two years back. Considering these facts and circumstances, I am inclined to release appellant on anticipatory bail. In the result, following order is passed :

ORDER

(i) The appeal is allowed.

- (ii) The order impugned is set-aside.
- (iii) In the event of arrest of the appellant in Crime No. 42 of 2021 registered at Nizampur Police Station District Dhule for the offences punishable under Sections 504, 506 of the Indian Penal Code and Section 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989, he shall be released on executing P.R bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.
- (iv) Fees shall be paid to the appointed counsel for the respondent No. 2/Complainant, by the High Court Legal Aid Sub-Committee, Aurangabad, in accordance with the rules

(N. R. BORKAR)
JUDGE

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