

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

965 CRIMINAL WRIT PETITION NO.108 OF 2021

KAILAS RAJENDRA ANANDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Rakesh Brahmankar, Advocate for the petitioners.
Mr. R.V. Dasalkar, A.P.P. for respondent Nos.1 and 2.
Mr. A.L. Kanade, Advocate for respondent No. 3.

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CORAM : **V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 22-03-2022.

ORDER :

1. We have heard learned Counsel for the petitioners for some time. Learned Counsel, on instructions, seeks leave to withdraw the petition of petitioner No. 1.

2. Leave granted.

3. The petition of petitioner No. 1 Kailas Rajendra Anande is hereby dismissed as withdrawn.

4. So far as the other petitioners are concerned, it appears that though their names are mentioned in the F.I.R., however, there are no allegations against them to attract the penal provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and those allegations have

been made only against co-accused Kailas whose petition seeking quashing of F.I.R. came to be withdrawn.

5. So far as the petitioners before us are concerned, there are allegations against them to the extent that they have extended beating to the informant with fist and kick blows. In view of the same, we grant liberty to the petitioners to file an appropriate application before the trial Court at the time of framing of the charge and upon filing such application, the trial Court shall decide the said application on it's own merits to the extent as to whether the charge under Sections 3(1)(r) (s), 3(1)(s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act stand attracted to the extent of these petitioners.

6. With the aforesaid observations, the Criminal Writ Petition is disposed of.

(SANDIPKUMAR C. MORE, J.)

(V.K. JADHAV, J.)