

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPEAL NO. 587 OF 2019

Amar Vilas Dahibhat,
Aged 23 years, Occ.: Education,
R/o. Balegaon, Tq. Akot,
District : Akola.

.... **APPELLANT.**

// VERSUS //

1. State of Maharashtra,
through Police Officer,
Police Station, Akot(City),
Tq. Akot, District : Akola.
2. Bhante Vangis Thero,
Aged about 48 years,
R/o. Pmt. Address Mukundwadi,
Jai Sector AM 02, Aurangabad.
At present R/o. Karuna Boudha Vihar,
Tandulwadi, Tq. Akot, District: Akola.

.... **RESPONDENTS.**

Shri V.B.Bhise, Advocate for Appellant.
Shri S.D.Sirpurkar, A.P.P. for Respondent/State.
None for Respondent No.2.

CORAM : ANIL S. KILOR, J.
DATED : MARCH 07, 2022.

ORAL JUDGMENT :

1. Heard learned counsel for the appellant and learned A.P.P. for the respondent/ State. None for the respondent No.2, though served.

2. **ADMIT.**

3. This appeal is arising out of order below Exh.1, dated 16/08/2021 passed by learned Additional Sessions Judge, Akot in Misc. Criminal Application No.193 of 2019, rejecting the application filed by appellant for pre-arrest bail in Crime No.303 of 2019, registered with Police Station, Akot on 27/07/2019 against the three accused persons, including the present appellant, for the offences punishable under Sections 294, 506 and 34 of the Indian Penal Code and Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is alleged that the appellant and two others abused the complainant in filthy language.

4. Shri Bhise, learned counsel for the appellant submits that the complainant is resident of Aurangabad and therefore, there was no occasion for the appellant and other accused persons to know the caste of the complainant. It is further submitted that there is a delay in lodging

the report. He lastly submits that the appellant has been falsely implicated in the alleged offence.

5. Shri Sirpurkar, learned A.P.P. strongly opposed the appeal and submits that since sufficient material is there to show involvement of the appellant, the learned Sessions Judge has rightly rejected the pre-arrest bail of the appellant.

6. On perusal of the case diary and on going through the contents of the First Information Report, there are no allegations that the alleged offence was committed for the reasons that the complainant belongs to a particular caste. *Prima-facie*, I do not find pre-requisites to attract Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7. In that view of the matter I am of the opinion that this is a fit case to allow the instant appeal. Hence, I pass the following order:

- i) The Criminal Appeal is allowed.
- ii) The order dated 16/08/2019 passed below Exh.1 by learned Additional Sessions Judge, Akot in Misc. Criminal Application No.193 of 2019 is quashed and set aside.

iii) The order dated 28/08/2019, granting ad-interim anticipatory bail is confirmed.

The Criminal Appeal stands **disposed of** accordingly.

JUDGE

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