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| MHKO060006292022<br> | <b>ORDER PASSED BELOW EXH.1 IN<br/>CRIMINAL BAIL APPLICATION<br/><u>NO.148/2022.</u></b> |
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This is an application filed by applicants/accused Bhimrao Sambhaji Gaikwad and Ganesh Bhimrao Gaikwad for anticipatory bail U/s.438 of Criminal Procedure Code in Crime No.452/2022 U/s. 354,323,379,427,504,506 and U/s. 3(1)(r)(s), 3 (2)(va) (V) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, registered at police station Jaysingpur.

**2. Facts in brief are as under :-**

Complainant – Ujjawala Devkule belongs to Hindu Mang caste. On 05-12-2022 she lodged report in the police station. It is alleged that complainant owns property bearing No.462 at Nandani road, Jaysingpur. Applicant Ganesh is the Councilor of Municipal Council, Jaysingpur. Applicant Bhimrao is the father of applicant No.2. On 24-08-2022 witness Prakash Awale received phone call from applicanta and accused Vinayak Gaikwad that they are going to demolish the house of complainant. Accused wanted to grab the said house. It is further alleged that accused abused to the witness Prakash Awale and his wife Kamal on caste. Accordingly crime is registered and same is under investigation.

3. Mr. S.D. Jagdale, advocate for applicant has submitted that applicants are innocent and they have not committed any crime. Applicants belong to Mang Garudi caste , a Scheduled Caste. Therefore, the provisions of Scheduled Caste and Scheduled Tribes

(Prevention of Atrocities) Act do not apply to the applicants. He further submitted that ingredients of Section 354 are also missing in respect of the applicants. According to him, applicant No.2 is present Councilor of Municipal Council, Jaysingpur and applicant No.1 is his father. They have roots in the society. They are ready to cooperate the investigation. He prayed to grant anticipatory bail.

4. Mr. U.M. Kulkarni, learned APP for the State has submitted that offence is serious. Investigation is in progress. If anticipatory bail is granted then applicants will pressurize the complainant and witnesses. He prayed to reject the application.

5. I have perused the police papers and say of prosecution. I have also perused the documents produced by the applicants. It prima facie appears that applicants belong to Mang Garudi, a Scheduled Caste. Therefore, the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act do not apply in respect of the applicants. From the perusal of police papers, it reveals that the wall of the house of the complainant was dilapidated and accused Vinayak had given application to the Municipal Council. After the spot inspection, it was found that the said wall is dangerous to the public and accordingly wall was removed. Thus, in the present crime there is no specific role of the applicants. Applicants are the permanent residents of given address and they are ready to abide by the conditions imposed by the court. Hence, they are entitled for anticipatory bail.

### **ORDER**

1. Application is allowed.

2. Ad-interim anticipatory relief granted earlier is hereby confirmed.
3. In the event of arrest, applicant No.1 Bhimrao Sambhaji Gaikwad and No.2 Ganesh Bhimrao Gaikwad in C.R. No. 452/2022 offence punishable U/s.354,323,379,427,504,506 r.w. section 34 of the Indian Penal Code and U/s. 3(1)(r),3(1)(s),3(1)(g),3 (1)(w)(i), 3(2)(va) and 3(V) of the Scheduled Caste and Scheduled Tribes registered at Jaysingpur police station, they be released on execution of P.B. and S.B. of Rs.15,000/- each on the condition that they shall attend the concerned police station as and when reasonably called by the investigating officer and cooperate in the investigation.
4. Inform the concerned police station accordingly.

Jaysingpur.  
Dt.: 21-12-2022.

( **G.B. Gurao** )  
Special Judge, Jaysingpur.

Dictated on : 21-12-2022.  
Transcribed on : 21-12-2022.  
Date of sign : 22-12-2022.

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL  
SIGNED JUDGMENT/ORDER.

22-12-2022.  
UPLOADED DATE AND TIME

A.S. Tiruke  
NAME OF STENOGRAPHER

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|-----------------------------------|-----------------------------------------------|
| Name of the Judge                 | Shri.G.B. Gurao,<br>Special Judge, Jaysingpur |
| Date of pronouncement of<br>Order | 21-12-2022                                    |
| Order signed by P.O. on           | 22-12-2022                                    |
| Order uploaded on                 | 22-12-2022                                    |