

Order below Exh.1 in Cri.Bail application No.83/2020
(CNR No.MHPA040003132020) Namdeo Puri Vs. State

(1) Applicant under Section 438 of Code of Criminal Procedure requested for anticipatory bail in crime No.62/2020 registered with Hingoli (Rural) Police Station for the offences punishable under Section 341,506,188 of Indian Penal Code and under Section 3(1)(g), 3(1)(r), 3(2)(va), 3(1)(y), 3(1)(u) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

(2) As per recitals in the FIR dated 29.02.2020 filed by informant Namdeo Kerba a member of scheduled caste are that the applicant is having grudge against the informant as the informant had demanded certain information from village panchayat under RTI and thereafter present applicant on 12.10.2015 got passed resolution of the village panchayat to demolish the house No.303 of the applicant and thereafter on 29.02.2020 about 10:00 a.m. the applicant abused informant in obscene words to insult and humiliate him and obstructed him on the way.

(3) Applicant claims that he was only member of village panchayat when the resolution was passed on 12.10.2015. The applicant has concocted false incident dated 29.02.2020 and filed false report against him. He stated that his custodial interrogation is not required therefore, he requested for bail.

(4) Application is opposed by APP on the ground that the applicant in order to dispossess the informant has passed resolution and he is from the same village, therefore, he is likely to pressurize the informant.

(5) The investigating officer inspite of adjourning matter on 13.03.2020, 19.03.2020 and 21.03.2020 and today did not file the say.

(6) I heard Advocate A.M.Jadhav for the applicant and APP N.S.Mutkule. Perused FIR and copy of Judgment in RCS No.44/2014 filed by the informant against the village panchayat.

(7) It appears from perusal of the copy of the Judgment dated 02.04.2019 in RCS No.44/2014, the informant also claimed perpetual injuncton against village panchayat in respect of the same house for which resolution was passed by village Panchayat to demolish it, but the said suit dismissed on merit. So also, the allegations in the FIR against the applicant pertains to the year, 2003 and 2015. Only the allegations against the applicant recently made in respect of the alleged incident dated 29.02.2020 wherein it is alleged that the applicant told the informant that he was wondering with documents of his house but what happened and he insulted the informant and also committed contempt of the Court. It is not stated that on that day applicant-accused used any insulting words referring to the caste of the informant. So also in the FIR it is mentioned that informant belongs to Boudha caste. However, Boudha is not caste but it is religion. Informant has not disclosed in the FIR what is his caste so as to consider that he belongs to the scheduled caste. Therefore, bar under Section 18 and 18-A of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act may not be applicable to grant anticipatory bail. Custodial interrogation of the applicant is not necessary.

In the result, I pass following order.

Order.

1- Criminal Bail Application No.83/2020 is

allowed.

- 2- In the event of arrest of the applicant Namdeo Sona Puri in crime No.62/2020 registered with Hingoli (Rural), for the offences under Section 341 506, 188 of Indian Penal Code and under Section 3(1)(a), 3(1)(r), 3(2)(va), 3(1)(4), 3(1)(v) of S.C.& S.T. (Prevention of Atrocities) Act be released on execution of P.R. bond of Rs. 15,000/- with surety of like amount.
- 3- The applicant is directed to remain present before Incharge of Police Station Hingoli (Rural) as and when called.
- 4- Inform accordingly to the incharge of police station Hingoli(Rural).

Date:01.04.2020.

(N.B.Shinde)
Additional Sessions Judge
(Fast track Court)Hingoli.