

Order below Exh.1 in Bail Application No. 1226/2022

1/- Bhaskar Bhika Bhalerao & Ors. .. Applicants/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Kalwan Police Station, Kalwan.
(Cr. No.I 196/2022) .. Prosecution

Order below Exh.1.

1. This application has been filed by the applicants/accused under section **438 of Cr.P.C.** for releasing them on **anticipatory bail** in the event of their arrest in the aforesaid Crime registered at Kalwan Police Station, for the offence punishable under section 143, 147, 149, 323 of the Indian Penal Code and u/s. 3(1)(i), 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act and accordingly, interim protection was granted to applicants.

2. Heard learned Advocate Shri A.K.Kale for the applicants and learned APP Smt. Sangale. Informant is present

before the Court and filed say at Exh.10. IO is also present. Perused the case papers.

3. It is the case of the prosecution that the applicants have threatened and abused the informant by uttering abusive words on caste thereby humiliated and insulted the informant.

4. On perusal of record, it reveals that general allegations are made in the report against all the accused. Incident allegedly occurred on 03.10.2022 whereas report came to be lodged on 04.10.2022. Delay in lodging report prima facie create doubt about its veracity. Learned Advocate for the applicants produced documents i.e. proceeding of the election for Vice Sarpanch in the village and the undertaking/application by the informant Balu Nikam that he withdraw his nomination for election. It is further contention on behalf of applicants that on account of such dispute, this false case is initiated by the informant. Law is well settled that there is no absolute bar against grant of anticipatory bail in cases under the Atrocities Act, if no prima facie case is made out. In the present matter considering background facts and delay, prima facie case of the prosecution found to be in cloud. On these amongst grounds, interim bail was granted to applicants. Now say is filed by the investigating officer with formal objections.

5. The ld. Advocate for the Applicants submitted that the

applicants do not have criminal antecedents. They are reputed person. They are permanent local resident. Therefore, considering all these aspects, this Court is of the view that interim relief granted to the applicants can be confirmed. Hence, the order.

::O R D E R::

- 1] The application (Exh. 01) is allowed.
- 2] Interim protection granted to applicants on 07.10.2022 is confirmed subject to same terms and conditions.

Nashik

Date : 14.10.2022.

(Aditee U. Kadam)

Additional Sessions Judge-2,
Nashik.