

CNR No. MHNS010002552021

Order below Exh.1 in Cri. Bail Application No.99/2022.
(Chandarbhai Shankarbhai Gahla Vs. State)

The present anticipatory bail application is moved by the applicant U/sec.438 of the Code of Criminal Procedure in connection with CR No.529/2021 registered with Wani Police Station for the offence U/s. 323,324,326,504,506 r.w.s.34 of the Indian Penal Code (hereinafter referred to as “the IPC” for short) alongwith sec. 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. (hereinafter referred to as “the Atrocities Act” for short)

2. It is stated in the application that incident took place on 6.12.2021 at 7.30 p.m. and the FIR registered on 12.12.2021 a quarrel took place between applicant-accused and his companions and other group on count of catching crabs at *pazar lake* in Ghodewadi shivar. Both the parties sustained injuries in the incident and lodged FIR against each other at Wani police station. Present applicant-accused is labour from Gujarath State and was working with co-accused Gokul Palkhede and Sandip Palkhede.

3. The applicant-accused submitted that he is no way connected with the present crime. Prima-facie case is not made out against him particularly section 3 of the Atrocities Act and therefore, section 18 of the Act is not applicble to the fact of present case and therefore, prayed to allow the anticipatory bail application.

4. Perused record. Heard both parties.

5. The applicant-accused has produced his School Leaving Certificate, which shows that he is from Hindu Varli Community and Hindu Varli community belongs to Schedule Casts Community.

6. This Court while considering the anticipatory bail application of other co-accused had granted anticipatory bail in Cri. Bail Application No.1714/2021 on 30.12.2021 and had considered in detail the applicability of the provisions to the present case and on the basis of detail discussion based upon the leading case-laws, this court has already come to the conclusion that prima-facie the anticipatory bail application is maintainable as the provision of section 3 of the Atrocities Act are not applicable to the present case. In addition to this applicant-accused filed his castes certificate and therefore, considering this situation, application needs to be allowed. Hence, following order.

ORDER

- 1) Application is allowed.
- 2) In the event of the arrest of the applicant-accused Chandarbhai Shankarbhai Gahla, in connection with CR No.529/2021 registered with Wani Police Station under section 323,324,326,504,506 r.w.s.34 alongwith section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, shall be released on bail on furnishing P.R. bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- 3) He shall not tamper the prosecution witnesses in any manner.
- 4) He shall not enter into the village Ghodewadi shivar where the incident took place for the period of one month or till filing of charge-sheet, whichever is later.
- 5) He shall attend the police station as per direction of Investigating Officer as and when required.
- 6) He shall give his permanent address proof, mobile numbers

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and also give mobile numbers of two nearest relatives.

- 7) The observation made in this application are only to decide the present anticipatory bail application and based upon the Investigation papers placed on record.
- 8) Inform Wani Police Station accordingly.

Date. 03.02.2022

(M.A. Shinde)
Additional Sessions Judge-8,
Nashik.