

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.8504 OF 2005**

Vilas Jagannath Karanje & Anr. ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr.G.S. Godbole for Applicants

Mr.A.R. Patil, A.P.P., for Respondent-State

CORAM: **SMT.NISHITA MHATRE, J.**  
**(VACATION JUDGE)**

DATED: **DECEMBER 28, 2005**

**P.C.:**

. This is an application challenging the order dated 20.12.2005 of the 3rd Adhoc Additional Sessions Judge, Satara in Criminal Application No.501 of 2005 under which the application made by the applicants for being released on anticipatory bail is rejected.

2. It is contended on behalf of the Applicants by Mr.Godbole that there is a civil dispute between the applicants and the complainant and it is for this reason that the complainant has filed a false complaint against the applicants under the The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'Atrocities Act'). According to the learned Advocate, the FIR does not spell out any offence

committed by Applicant No.2 at all and in fact does not contain any allegations against him. The allegation against applicant No.1 is that he abused the complainant by words "*Hi Mahardi Therdi Kadhi Sudharnar Nai*". The offence has been registered against both the applicants under section 3(1)(x) of the Atrocities Act and section 7(1)(d) of the Protection of Civil Rights Act and sections 323, 504, 506 r/w 34 of the Indian Penal Code. According to the learned Advocate, the offence under section 3(1)(x) of the Atrocities Act has not been made out since the ingredients of the offence are absent and hence, he ought to have been granted anticipatory bail by the Sessions Court. According to the learned Advocate, the acts of the applicants and the words used by the Applicant No.1 do not constitute an offence under section 3(1)(x) as the applicants had no intention to insult or intimidate or humiliate the complainant who is a member of the Scheduled Caste. He submits that assuming some words were exchanged, these were within the confines of the construction being carried out and were not stated in public. He relies on the judgment in the case of *Ramchandra Govindrao Watkar & Anr. v/s. State of Maharashtra*, **1995(2) Mh.L.J.669** to support his submission that despite the provisions of section 18 of the Atrocities Act, anticipatory bail can always be granted. Further, he relies on the judgment in the case

of *Pradnya Pradeep Kenkare & Anr. v/s. State of Maharashtra, 2005(3) Mh.L.J. 368* and in the case of *Manohar M. Kulkarni v/s. State of Maharashtra, 2005(5) AIR Bom R 110* to submit that no offence has been committed by the applicants.

3. The bar contained under section 18 to grant anticipatory bail is subject to the charge being found to be genuine, as held by this Court in the case of *Ramchandra Govindrao Watkar (supra)*. The Sessions Court has rightly considered the provisions of law and has found that the ingredients of the offence under section 3(1)(x) of the Atrocities Act are disclosed in the complaint and in the F.I.R. lodged. The alleged use of the words - "*Hi Mahardi Therdi Kadhi Sudharnar Nai*" - by applicant No.1 is prima facie insulting and humiliating. Applicant No.2 was present when these words were uttered. Besides that, it is alleged that he pushed the complainant. In such circumstances, I see no reason to differ with the order passed by the Sessions Judge. The FIR lodged certainly does disclose an allegation which would constitute an offence under the Atrocities Act and therefore, the prayer made in the Petition cannot be granted.

4. Petition rejected.