

CNR MHSN040010702022

Order below exh. 1 in Cri.Bail Appln. No. 221/2022

Raghunath Dnyanu Kadam & ors.

...Applicants

-:Versus :-

State of Maharashtra

...Respondent.

1] Applicants have filed this application for grant of bail under section 439 of the Code of Criminal Procedure in C.R. No.643/2022 of Islampur police station for the offences punishable under section 324, 323, 341, 504 r.w. 34 of Indian Penal Code and 3(1)(r), 3(1)(s) and 3(2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Applicants were arrested on 29/10/2022 and remanded to Police custody till 30/10/2022. Thereafter, they were remanded to magisterial custody.

2] It is the case of prosecution that informant Avinash Dadasaheb Babar belongs to Hindu Mang community. He is doing business of selling of cattles. He is having Mahindra Pick Up Bolero jeep bearing No. MH-10-CR-2993. On 28/10/2022 at about 5.00 p.m. informant has purchased buffalo from Dada Kolekar and returning from Manikwadi to Pethnaka alongwith his friend Abhijeet Pawar through their said Bolero jeep. His brother Hrushikesh was driving the jeep. When they reached near Mahadevwadi road one Ertiga car was continuously blowing horn. However, due to narrow road Hrushikesh could not give side to it. When they reached at Dhangarwada, Peth the Ertiga car has overtaken their jeep and stopped in front of it. At that time applicant No. 1 stepped down from it. He came near their jeep and asked Hrushikesh as to whether he could not hear the blowing of horn? He has abused and slapped on his face. Applicant No. 2 assaulted

informant by means of fist and kicks. During the scuffle informant sustained injury to the thumb of left hand due to knife in the hand of applicant No. 2 Thereafter applicant No. 3 assaulted witness Abhijeet Pawar by fist and kicks. Applicant No. 1 abused informant on the caste. Therefore, informant lodged report.

3] The learned Advocate for applicants submitted that they were falsely implicated in this crime. There is no direct, indirect and circumstantial evidence against the applicants. General and vague allegations are made against the applicants. Applicants are agriculturist. They are law abiding persons. They are not likely to flee from justice, if released on bail. Therefore, applicants prayed for grant of bail.

4] The learned Spl.P.P. resisted application by filing say (Exh.04) stating therein that alleged offence is of serious nature. There is possibility of tampering of evidence and pressurizing of informant and witnesses by applicants, if released on bail. It will become difficult to secure the presence of applicants if they will be released on bail. There is prima facie material on record against them. Hence, learned Spl.P.P. prayed for rejection of application.

5] Informant has strongly resisted the application by filing say (Exh.05).

6] Perused the application, say of informant and say of ld. Spl.P.P. Heard learned advocate for the applicants and learned Spl.P.P. for the State.

7] On perusal of record, it appears that investigation is in progress. It also appears from record that, applicants are agriculturists and having permanent residence at the address mentioned in the application. It appears from record that there is no criminal antecedents against them. It appears that there is no material evidence on record which indicates that applicants will flee from justice, if they released on bail. There is no material on record to show that applicants will use their liberty to subvert justice or tamper with the evidence. It prima facie appears from record that there is no reasonable apprehension of tampering with the witnesses.

8] In the circumstances of the case in my opinion, no purpose will be served by further detaining applicants in jail. The apprehension of the Investigating Officer, can be met with by imposing certain conditions on the applicants. Considering the above reasons, applicants is entitled for grant of bail with certain conditions. Hence, I proceed to pass the following order :-

ORDER

1. Application is allowed.
2. Applicant Nos. 1) Raghunath Dnyanu Kadam, 2) Sagar Shankar Kadam and 3) Abhijeet Sitaram Pawar in C.R.No. 643/2022 of Islampur Police Station, be released on bail on their executing P. R. Bond of Rs.15,000/-(Rs. Fifteen Thousand only) each with surety in like amount for the offences punishable under section 324, 323, 341, 504 r.w. 34 of Indian Penal Code and 3(1)(r), 3(1)(s) and 3(2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Applicants shall not in any manner either intimidate or influence witnesses or tamper with the evidence or terrorize informant.
4. Applicants shall not contact the informant or witnesses in any manner.
5. Applicants shall attend concerned Police Station on 3rd Tuesday of every month between 11.00 a.m. to 1.00 p.m. till filing of the charge sheet.
6. Failure thereof shall result in giving right to the prosecution to move for cancellation of the bail.

Date : 03/11/2022.

(Rajashri P. Pardeshi)
Special Judge (Atrocity Act)
Islampur

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer : Shri B.M.Patil, Steno, Gr. I
Court Name : Dist. Judge – 2 & Addl. Sessions
Judge, Islampur.
Date of Order : 03/11/2022
Signed by P.O. on : 03/11/2022
Uploaded on : 04/11/2022