

MHKO010015162024 	ORDER PASSED BELOW EXH.3 IN <u>SPECIAL CASE NO. 109/2024</u>
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Applicant/accused No.5 Suresh Maruti Patil, No.6 Shripati Ganpati Dhond, No.7 Vitthal Doulu Chavan and No.8 Omkar Rangrao Chavan have filed application under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in respect of Crime No.84/2024 of Kagal police station for the offences punishable under sections 324, 323, 504, 506, 143, 147, 148, 149 of I.P.C. and under sections 3(1)(r)(s), 3(2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989) (hereinafter Atrocity Act).

2] The accused/applicants have submitted that, after service of notice under Section 41-A(1) of Cr.P.C. they had duly co-operated with the Investigating Officer. The accused No.1 to 4 are released on bail on 23-02-2024. Now the charge-sheet is filed in the court. Therefore, the custodial interrogation of the applicants are not necessary. According to the applicants, the FIR is false, afterthought and concocted made with malafide intention to implicate the accused in order to give counter blast to the FIR lodged by accused No.1, which is earlier registered against the informant. The informant himself was armed with stick and assaulted the

applicants in which they have received injuries. The applicants/accused further contended that, they are only earning members in their family and are permanent residents of Kolhapur district. They shall not tamper the evidence and ready to co-operate the police as and when required. As such on these grounds, the applicants prayed to release them on bail.

3] The record shows that in C.R. No.84/2024 of Kagal police station, the applicants/accused No.5 to 8 have not been arrested and was given notice U/s.41-A(1) of the Code of Criminal Procedure and after completion of investigation, chargesheet is now filed in this Court. The accused have appeared and sought regular bail on grounds as mentioned above.

4] On present application the say of learned APP and victim was called upon. Whereupon the Ld. A.PP and I.O. filed say at Exh.15 and 17 and submitted for passing further order by imposing terms and conditions in view of bail application.

5] The informant/victim filed his say below Exh.22 and objected the application on the ground that accused have assaulted him and his mother by entering into the shop and snatched their ornament and money. The accused who are

released on bail, are harassing the informant. Accused are having grudge against the informant. By using political power the accused No.7 trying to dispossess the victim/informant from the vicinity in which he is residing. The informant prayed for rejection of the bail application.

6] The record shows that during investigation the accused were not arrested and notice U/s. U/s.41-A(1) of the Code of Criminal Procedure was given to them. The chargesheet is filed without the arrest of the accused. When during investigation the custodial interrogation of the accused No.5 to 8 is not sought necessary and when the investigation is complete, so at this stage only the presence of the accused is to be secured for facing the trial. Whatever apprehensions the victim has raised can be met with conditions. Hence, following order.

ORDER

- (1) Accused No.5 to 8 are entitled for bail.
- (2) Interim bail granted to accused vide Exh.4 is hereby confirmed.
- (3) The applicants/accused shall appear on the dates regularly.
- (4) The accused shall not pressurize the prosecution witness and shall not tamper the prosecution evidence.

- (5) Breach of any of the condition will be a cause for the prosecution, to apply for cancellation of bail.

Kolhapur.
Dt.: 06-07-2026.

(Smt. S. Y. Deshmukh)
Special Judge (SC & ST Act),
Kolhapur.