

MHAH130007  
442023



**ORDER BELOW EXH-28 IN SPECIAL CASE NO.**

**230/2024**

**(The State of Maharashtra Vs. Sopan Babasaheb  
Ravade & ors.)**

By way of present application Exh.28, the applicants/accused No.2 Babasaheb Asaram Ravade, No.3 Tanhaji Asaram Ravade, No.4 Namdev Asaram Ravade, No.5 Prashant Namdev Ravade, No.6 Adinath Ramdas Ravade, No.7 Dnyaneshwar Tanhaji Ravade, No.8 Nanda Namdev Ravade, No.9 Alka Babasaheb Ravade, No.10 Pooja Ramdas Ravade, No.11 Kaveri Ramdas Ravade have prayed for regular bail in CR No.106/2022 (Spl. Case No.230/2023) registered with Shanishinganapur Police Station for the offence punishable under Sections 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under Sections 37(1)(3)/135 of the Maharashtra Police Act and under sections 3(1)(r)(s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Perused the application, say and relevant record. Heard Shri. J.D.Bhawar, the Learned Counsel for the applicants/accused, Shri. M.S.Kale, the Learned Special Public Prosecutor for the state/prosecution and Shri. J.N.Shaikh for the informant.

3. Learned counsel for the applicant/accused has submitted that the applicants are facing a trial in above CR CR No.106/2022 (Spl. Case No.230/2023). The FIR in question was lodged on 02.09.2022 in respect of incidence of the same date at 10:30 a.m. The accused were served with notices under section

41(1)(a) of the Code of Criminal Procedure and they have co-operated with the investigation. Therefore, there was no need of custody of the applicants/accused No.2 to 11. Even, now the charge-sheet has filed and the investigation has completed. Therefore, now there is no need of any custody of the accused during trial as well.

4. He further submitted that even otherwise, the applicants have been falsely implicated due to local political rivalry. No such incidence as alleged had ever taken place. There is no recovery or discovery at the instance of applicants/accused. They are resident of village Kangoni, Tal. Newasa. The applicants/accused are ready to attend each and every date of hearing and abide by all the conditions of bail.

5. He further submitted that the applicants/accused have moved an application Exh.29 for interim bail. Said application came to be allowed vide order dtd.16.04.2024. The applicants have followed the conditions of that order. Therefore, said interim bail order may be confirmed.

6. Learned Special Public Prosecution has strongly opposed the request for bail. He has submitted that the offence is serious one. Prima facie there is an involvement of the applicants/accused. If enlarged on bail, the possibility of tampering with the evidence and pressurizing the witnesses as well as commission of similar type of offence cannot be ruled out. Hence, the present application for bail may be rejected.

7. Learned Counsel for the informant has vehemently opposed the bail application in similar lines. He further submitted that the offence is serious in nature. The informant and witnesses are having only one road from in front of the houses of accused. There is possibility of tampering with the evidence and pressurizing the witnesses. Hence, the application may be rejected.

8. The allegations against the applicants are of abuse on caste and threats to the witnesses. It appears from the record that the investigation is complete and charge-sheet has filed. The investigating officer had not arrested the accused during investigation. The applicants/accused are ready to attend each and every date of hearing and abide by all the conditions of bail. It also appears that their custody was not necessary for recovery and discovery or any other purpose of investigation.

9. Even otherwise, when it is a matter of record that the investigating officer has issued notice under section 41(1)(a) of the Code of Criminal Procedure and did not take any of the accused in custody, now no purpose of prosecution is going to be served by curtailing their liberty by rejecting the application for bail. Rather they can be enlarged on bail on appropriate conditions. Hence, I pass the following order :

#### **ORDER**

- 1) Application Exh.28 in Spl. Case No.230/2023 is hereby allowed.
- 2) The applicants/accused No.2 Babasaheb Asaram Ravade, No.3 Tanhaji Asaram Ravade, No.4 Namdev Asaram Ravade, No.5 Prashant Namdev Ravade,

No.6 Adinath Ramdas Ravade, No.7 Dnyaneshwar Tanhaji Ravade, No.8 Nanda Namdev Ravade, No.9 Alka Babasaheb Ravade, No.10 Pooja Ramdas Ravade, No.11 Kaveri Ramdas Ravade be released on bail in CR No.106/2022 (Spl. Case No.230/2023) registered with Shanishinganapur Police Station for the offence punishable under Sections 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and under Sections 37(1)(3)/135 of the Maharashtra Police Act and under sections 3(1)(r)(s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on executing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand Only) each, on following conditions :-

- i) They shall not tamper the prosecution evidence.
  - ii) They shall not commit any other or further offence.
  - iii) They shall remain present on each and every date before the court for facing trial of this matter.
  - iv) They shall give documentary proof of their identification and permanent residence at the time of furnishing surety.
  - v) They shall not leave India without previous permission of the Court.
- 3) This application stands disposed off accordingly.  
*(Dictated and Pronounced in open court)*

Date :- 23.04.2024

(Vinod Y. Jadhav)  
Special Judge (S.C. & S.T.) and Addl.  
Sessions Judge, Newasa  
JO Code : MH002455