

MHAH130007
442023



ORDER BELOW EXH-29 IN SPECIAL CASE NO.

230/2024

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

By way of 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. By way of present application Exh.29, the applicants have prayed for interim protection.

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

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 it will take sometime to hear and dispose off the main application (Exh.28) of bail on merits after hearing of the informant/victim. Therefore, it is very much necessary to protect the liberty of the applicants/accused by granting interim bail.

6. Learned Special Public Prosecution has strongly opposed the request for interim 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 interim bail may be rejected.

7. The allegations against the applicants are of abuse on caste and threats to the witnesses. Admittedly, it is necessary to hear the informant/victim before deciding the main bail application Exh.28. Therefore, it will take sometime for service of notice and hearing them. However, the situation is that the applicants/accused were not taken into custody during investigation period and merely notices under section 41(1)(a) of the Cr.P.C. were issued to them.

8. It is a matter of record that the applicants/accused were never in custody during investigation and now charge-sheet has filed. Therefore, when the investigating officer did not feel the custody of the applicants necessary for investigation purpose, it would be proper to protect their liberty at least till final decision of the bail application Exh.28 on appropriate conditions. Hence, I pass the following order :

ORDER

- 1) Application Exh.29 in Spl. Case No.230/2023 is hereby allowed.
- 2) **By way of interim order and till final disposal of bail application Exh.28**, 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.
- vi) Issue notice to state and informant, as to why this order shall not be confirmed.

(Dictated and Pronounced in open court)

Date :- 16.04.2024

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