

IN THE COURT OF ADDL. SESSIONS JUDGE, BEED

**Special Case No.47/2024
CNR MHBI010009802024
State Vs. Mohan Jalindar Yeole and Ors.**

Order Below Exh.3

01] This is an application filed for bail in connection to Crime No.02/2024, registered by Amalner Police Station, Dist. Beed for offences punishable under sections 504, 506 read with 34 of the Indian Penal Code and sections 3(2)(r)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act ("the SC and the ST Act").

02] Prosecution case in brief, is as under :

Informant Alka w/o. Ashok Sonwane lodged FIR on 24.01.2024 alleging that on the said day, while she was proceeding towards her house at about 11.30 am, all the accused stopped her on the way and told her that she is not allowed to proceed by that road. When she told them that it was the only way to go to her house, they abused her in filthy language. When she asked them not to abuse her, they abused her naming her caste and said that they are of lower status. Accused also threatened to kill the informant and her daughter. Hence, the FIR.

03] Applicants have claimed bail on the grounds that the investigating officer issued notices to them as per section 41 of the Cr.P.C. and released them on executing the bonds. Now, after service of summons of the Court, they have appeared. During pendency of present application, applicants were granted temporary bail. According

to them they have not committed any crime as alleged. Investigation is complete. Charge-sheet is filed. Hence, their custodial interrogation is not required. They are ready to abide the conditions that may be imposed by the Court. On these grounds, they have claimed to grant anticipatory bail to them.

04] Prosecution has resisted the application by filing say at Exh.39. It is the say of the prosecution that there is strong prima facie case against the applicants. There is active participation of the applicants in commission of crime. If the applicants will be released on bail, then it is likely that they will pressurize the informant and prosecution witnesses and tamper the prosecution's evidence. On these grounds, prosecution has prayed to reject of the bail application.

05] Informant has filed say at Exh.43 alleging that there is no mention in the application under which provision the investigating officer issued notices to the applicants/accused. On the day of filing of charge-sheet, the bonds executed before the investigating officer get cancelled. The accused were not produced at the time of filing of charge-sheet. They appeared after issuance of summons by the Court. Applicants/accused have not intentionally made the informant party in this application. There is no provision quoted in the application under which the applicants are claiming bail. On these grounds, the informant has prayed to reject the application.

06] Heard advocate for the applicant/accused and Ld.APP for the State and Ld. Advocate for the informant. They argued as per application and say as referred above. To avoid repetition, I find it would

be just and proper not to reproduce the arguments of both the sides.

07] After perusal of charge-sheet, it transpires that it is mentioned by the investigating officer that the applicants/accused were served with notices as per section 41-A of the Cr.P.C. In such situation, there is no anticipation of arrest, therefore, present bail application needs to be treated under section 439 of the Code of Criminal Procedure. As the charge-sheet is filed, it appears that the investigation is complete. There is no recovery or discovery to be effected from the applicants/accused. In such situation, the custodial interrogation of the applicants/accused is not required. The investigating office has opted to issue notices to the applicants/accused under section 41-A of the Cr.P.C. Therefore, I find that no purpose shall be served by keeping the accused behind the bars. Hence, I pass following order.

ORDER

01. Application is allowed.
02. The order dated 28.11.2024 passed below Exh.3 granting temporary bail to the applicants/accused is made absolute.
03. Inform the concerned police station.

Date : 26/03/2025.

**(S. R. Shinde)
Addl. Sessions Judge, Beed.**

:: CERTIFICATE ::

" I Affirm that the content of this PDF file are word to word as per original Judgment/Order "

Dictated on :- 26/03/2025

Transcribed on :- 26/03/2025

Checked & Signed on :- 01/04/2025

Dt. 01/04/2025

(N.E.Shaikh)
Stenographer Gr-I
District Court - 3
Beed.