

MHBU010002172025



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, BULDANA

SPECIAL CASE NO.09 OF 2025

Manoj Fakira Pawar+1 ..Versus.. State of Maharashtra

ORDER BELOW EXH.20

(Passed on this 10th day of March 2025)

1] The present bail application is filed for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita in connection with Crime No.384/2024 registered with Police Station, Amdapur relating to the offences punishable under Sections 310(2), 115(2), 351(2), 352 of The Bharatiya Nyaya Sanhita and under Sections 3(2)(v)(va), 3(1)(r)(s) of the S.C.S.T.(Prevention of Atrocities) Act, 1989.

2] The prosecution story in short, is that the informant Rekha Pawar filed the FIR stating that on 5.11.2024 at about 1.00 p.m., she had gone at Shelsur along with her son. Her husband/applicant No.1 had also come over there. Thereafter, applicant No.1 took her son with him for purchase of clothes and for that he went to State Bank, branch of Shelsur. At that time, informant was standing outside. She heard the noise. She found that the accused were beating her son. When she interfered, they abused her in filthy language. At that time, her son told her that applicant No.1 had not withdrawn any amount from bank. Applicant

No.1 threw his mobile in front of puncture shop of the accused Vishal. So, the son of the informant asked the accused Vishal to give mobile, but he assaulted him. At that time, the accused and present applicants came over there. They assaulted him and snatched gold chain of son of informant. The son of informant received injuries on nose. The accused gave threat to withdraw the case filed in Chikhli Court, otherwise they would kill them. The son of informant got escaped and filed the FIR. The accused assured to return the gold chain, but has not returned. So, the informant filed the FIR.

3] In the application, applicants contended that this is third regular bail application after filing of charge-sheet. Their bail application bearing RBA No.85/2025 was allowed by this Court, vide order dated 25.2.2025 relating to the offences punishable under Sections 310(2), 115(2), 351(2), 352 of the BNS vide Crime No. 384/2024. However, the charge-sheet is filed with addition of the offences under Sections 3(2)(v), 3(2)(va), 3(1)(r)(s) of Atrocities Act. So, the applicants have filed this bail application.

4] The charge-sheet is filed in the Court. The investigation is completed. So, now there is no need of applicants in jail. There is change of circumstances. The bail application of Sumersing Thakur and Jitusingh Thakur is allowed by Hon'ble High Court, Bench at Nagpur. So, the applicants are entitled for grant of bail. There is no iota of evidence regarding non-bailable offence. There is matrimonial dispute in between applicant No.1 and the informant. They showed readiness to abide by the

conditions imposed by the Court.

5] Learned Public Prosecutor Shri Bhatkar has filed say below Exh.23 and objected the bail application on the count that if the applicants are released on bail, they may pressurized material witnesses and tamper with the prosecution evidence. So, requested to reject the bail application.

6] Notice was issued to the informant vide Exh.24. The notice was served, but she remained absent.

7] Heard both the sides. Perused the record. It is found that initially the applicants were granted regular bail under Sections 310(2), 115(2), 351(2), 352 of BNS. However, thereafter, the offences under Atrocities Act were added and the applicants remained in jail and as those provisions of Atrocities Act were added, so fresh application has been filed by the applicants. Now, the charge-sheet has been filed. Investigation has been completed. So, there is no need of further custodial interrogation of applicants. So, on this ground, applicants are entitled to be released on bail. Hence, I pass the following order.

ORDER

- 1] Bail application (Exh.20) is allowed.
- 2] Applicant No.1 Manoj Fakira Pawar and applicant No.2 Shakilkha Aniskha Pathan be released on execution of PR.Bond of Rs.25,000/- each with one surety each in like amount, in Crime No. 384/2024 registered with Police Station, Amdapur relating to

the offences punishable under Sections 310(2), 115(2), 351(2), 352 of The Bharatiya Nyaya Sanhita and under Sections 3(2)(v) (va), 3(1)(r)(s) of the S.C.S.T.(Prevention of Atrocities) Act, 1989 on following conditions;

- A] Applicants shall not misuse the bail.
- B] They shall not create any hurdle in the progress of trial.

Buldana
Date:10.3.2025

(Manjusha V. Deshpande)
Additional Sessions Judge,
Buldana