

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
BULDHANA

(Presided over by **Shaikh Akbar Shaikh Jafar**)

MHBU010010582026	<u>Criminal Bail Application No.</u> <u>173/2026</u>
	Sunil Shalikram Lokhande + 9 ..Versus.. State of Maharashtra

ORDER BELOW EXH.1

(Passed on this 4th day of July 2026)

1] This bail application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita for release of applicants/accused on anticipatory bail.

2] As per the F.I.R., informant along with her son and four daughter resides at Sakegaon, Tq.Chikhli, Dist.Buldhana. She belongs to Paradhi community. Her son has two daughters. On 7.6.2026 at about 7.00 a.m., informant requested employee of Gram Panchayat namely Dilip Faikra Nikalje to release tap in her lane. At that time, he abused and slapped her. Then, hot exchange of words took place between them. Thereafter, on 9.6.2026 at about 8.30 p.m. while informant was at home, applicants along with other accused persons came in front of her house and started abusing on her caste and threatened her. Informant requested them not to abuse, but they entered into her house and broke glasses of windows and four wheeler. They broke tiles of her house. They caused damage to informant worth Rs.70,000/-. Accused Harshal @ Sonu Sudhakar Jadhav took out Rs.4,00,000/- from her house.

They outraged modesty of her daughter by catching her hand and by tearing clothes from her person pressed her breast. When informant went to intervene, they beat her by slaps and fist blows. They also outraged modesty of her another daughter and beat her. In the scuffle, her grand-daughters Vaishnavi and Vedika sustained injuries. So also, they assaulted her son with sticks, fists and kicks blows. As such, all accused persons committed house trespass by entering into the house of informant with intent to assault her and abused her on her caste. Thereafter, informant went to the police station and lodged report. On the above-said facts stated by informant, Crime No.112/2026 for the offences punishable under Sections 189(1),(2), 190, 191(2), 74, 329(2), 329(4), 296, 352, 351(2)(3), 118(1), 115(2), 324(4),(5) and 119 of the Bharatiya Nyaya Sanhita and Sections 3(1)(r)(s), 3(1)(w)(i)(ii), 3(2)(va) of the S.C.S.T.(Prevention of Atrocities) Act came to be registered against applicants and other accused persons.

3] It is the contention of applicants/accused that they are no way concerned with the alleged offence. They are falsely implicated in the present crime. Informant has lodged false report against them. They are innocent. They have not committed any offence. However, due to registration of offence, they are having apprehension of their arrest. Considering the allegations, custodial interrogation of applicants is not necessary. They are ready to abide by the conditions if released on bail. Hence, prayed to grant anticipatory bail.

4] Learned APP Shri Hiwale resisted the application by filing reply Exh.7 and contended that offence is against informant who is belonging to Scheduled Tribe, which is serious in nature. Investigation is in progress. If the applicants/accused are granted anticipatory bail, they may tamper with the prosecution evidence and may commit similar type of offence. Lastly, prayed to reject the bail application.

5] Informant filed say at Exh.8 and opposed the bail application contending that applicants along with other accused persons abused her on her caste and outraged modesty of her daughters. So also, all accused persons beat her and her daughters and son. if the applicants/accused are granted anticipatory bail, they may threaten to her and her family. Lastly, informant prayed to reject the bail application.

6] Heard rival parties at length. Perused case diary. The learned APP and the Counsel of informant have submitted that the anticipatory bail application is not maintainable as there is bar of Section 18 of the Act. It is well settled that there is a embargo of Section 18 of the Act to grant anticipatory bail where offence is prima facie made out. I am enlightened by the judgment passed by Hon'ble Supreme Court in the case of **Kiran Vs. Rajkumar Jain**, reported in **2025 INSC 1067**. While dealing with the application for anticipatory bail, the Hon'ble Supreme Court has pointed out that the absolute nature of bar of granting anticipatory bail under Section 18 of the Act, however, could be read and has to be applied

with a rider. In a given case, where on the face of it, the offence under Section 3 of the Act is found to have not being made out and that the accusation relating to the commission of such offence are devoid of prima facie merits, the Court has a room to exercise a discretion to grant anticipatory bail to the accused under Section 438 of the Cr.P.C. [Sec.482 of BNSS]. It is further opined that the contents and the allegations in the FIR would be decisive in this regard.

7] Heard rival parties. Perused the case diary. On perusal of FIR, it appears that though name of applicants are appearing in the FIR, but stereo type allegations have been made against them. Allegation regarding taking away Rs.4,00,000/- from the house of informant is made only against accused Harshal. No specific allegations are made against these applicants. Cyclostyle allegations are made in FIR, which are not sufficient to attract the offence under Atrocities Act against these applicants. There is no allegation against these applicants that they have abused informant on his caste so as to attract the provisions of Atrocities Act. All other offences are triable by Magistrate Court. In such situation, I am of the view that applicants can be granted anticipatory bail.

8] It is vehemently argued by the prosecution that there is apprehension that the applicants will pressurize the witnesses and the informant. To overcome this situation, stringent conditions may be imposed on the applicants while granting anticipatory bail.

9] Considering above discussion, I am of the view that application deserves to be allowed. Hence, I proceed to pass the following order.

ORDER

- 1] The application is allowed in the following manner;
 - i) In the event of arrest, applicant No.1 Sunil Shalikram Lokhande, applicant No.2 Ambadas Motiram Tayde, applicant No.3 Rameshwar Ashok Ingale, applicant No.4 Lakshman Motiram Ingale, applicant No.5 Lakshmi w/o Ramesh Lashkar, applicant No.6 Samadhan Namdev Kusalkar, applicant No.7 Sunil Pralhad Jadhav, applicant No.8 Rahul Ashok Pawar, applicant No.9 Jagannath Eknath Lokhande and applicant No.10 Somnath Shriram Kolte be released in Crime No.112/2026 for the offences punishable under Sections 189(1),(2), 190, 191(2), 74, 329(2),329(4), 296, 352, 351(2) (3), 118(1), 115(2), 324(4),(5) and 119 of the Bharatiya Nyaya Sanhita and Sections 3(1)(r)(s), 3(1)(w)(i)(ii), 3(2) (va) of the S.C.S.T.(Prevention of Atrocities) Act registered with Police Station, Raipur on executing Personal Bond of Rs. 50,000/- (Rs.Fifty Thousand only) each and on furnishing bail in the like amount;
 - ii) Applicants shall attend the concerned Police Station on every Monday at 10.00 a.m. to 12.00 noon till filing of the charge-sheet or further order, whichever is earlier;
 - iii) Applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer;
 - iv) Applicants shall submit a list of at least 2 blood relatives with their detail residential addresses and also the addresses of their

place of work, if any and documentary proof of showing the correctness of the details produced by them.

- v) Applicants shall submit copies of at least two documents amongst the Passport, PAN Card, Aadhar Card, Ration Card, Electricity Bill or Voter Identity Card issued by the Election Commission of India.
- vi) Applicants shall not pressurize to the informant and witnesses.
- 2) Accordingly, inform to the concerned Police Station.

Buldhana
Date: 4.7.2026

(Shaikh Akbar Shaikh Jafar)
Additional Sessions Judge,
Buldhana