

MHBU040011572022



**Order below Exh.4**  
(Passed on 1.10. 2022)

1. The instant application is preferred by all the accused in crime 196/2022 registered with Pimpalgaon Raja police for bail. The charges against the applicants/accused are for the offences punishable under sections 324, 326, 323, 504 r/w sec.34 of IPC and section 3(1)(r)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act. It is contended by learned Advocate Mr. C.S. Bhate on behalf of the applicants/accused that this is the first bail application after the charge sheet preferred by the applicants/accused and that they are in jail since 27.7.2022.They are permanent resident of Khamgaon, Dist. Buldana, and are falsely implicated in the present crime. Applicants are very young age and taking education. The charge sheet is filed and therefore, the custody of applicants/accused is not required. There are no eye witnesses to the incident and there is two days delay in lodging FIR which gives dent to the case of prosecution. There are no allegation on caste. There are no criminal antecedent against the applicants/ accused and they are ready to abide by all the terms and conditions of bail. Considering all these aspects, prayed for releasing

the applicants/accused on bail.

The learned advocate for the applicants/accused relied upon the following case laws-

- [1] Bombay High Court (Aurangabad Bench) Cr. Appeal No.97/2021, Nandu @ Adinath V/s. State of Maharashtra.
- [2] Bombay High Court (Nagpur Bench) Cr. Appeal No.98/2019, Sunil Rajesh @ Raju Chavhan V/s. State of Maharashtra.
- [3] Bombay High Court (Nagpur Bench) Cr. Appeal No.127/2020, Pratibha Narayan Band V/s. State of Maharashtra.
- [4] Bombay High Court (Nagpur Bench) Cr. Appeal No.265/2020, Kalpana & others V/s. State of Maharashtra.

Perused the case laws in their entirety.

2. The learned APP Ms. R.D. Bawaskar, has filed say below Exh.7 and victim filed her say below Exh.8. It is contended on behalf of the prosecution that the applicants/accused gravely injured the informant and abused him on caste. If the applicants/accused are released on bail they might threaten, pressure and induce and tamper the victim as well as other prosecution witnesses. Hence, considering for all these aspects prayed for rejecting the application.

3. The original victim filed the say below Exh.8 and resisted the bail application in the line that of prosecution.

4. Perused the application, charge sheet and documents on record. It is seen that even though the charge sheet is filed there is prima facie

involvement of the applicants/accused in the crime. The act of refusal to cut the hair of a person belonging to scheduled caste is itself a discrimination which is not permissible in law. The offences levelled against the applicants/accused are very serious in nature and there is sufficient evidence on record to proceed with the same. Hence it would not be proper to release the applicants/accused on bail. The application Exh.4 stands rejected.

Date : 1.10.2022

**(A.S.Wairagade)**  
Special Judge, Khamgaon,  
Dist.Buldana.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.

Name of Court : Special Judge, Khamgaon, Dist. Buldana.