



IN THE COURT OF SPECIAL JUDGE, GONDIA.

SPECIAL CASE NO.181/2023.
CNR No.MHGO010016652023.

THE STATE OF MAH. THROUGH PSO TIRORA.

VS.

CHHAYA MESHARAM AND OTHERS.

ORDER BELOW EXH.3.

(Passed on 6th January, 2024)

The applicants/accused by name (1) **Chhaya Arjun Meshram**, (2) **Shalu Umesh Uke** and (3) **Ranjit Arjun Meshram** by this application under Section 439 of the Code of Criminal Procedure ('Cr.P.C.') pray for regular bail in Special Case No.181/2023 (Crime No.871/2023) registered with Tirora Police Station, District Gondia under Sections 323, 504 and 506 read with Section 34 of The Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

2. Perused the application and say filed by Learned APP on backside of application. Gone through the say filed by Investigating Officer at Exh.19 and say filed by informant at Exh.20.

3. From the contents of FIR, it reveals that, on

31/10/2023 at about 7:30 a.m., when informant and his wife was in their courtyard, there were exchange of words between accused and them. Accused assaulted the informant and his wife and insulted the informant on his caste. It is further alleged that, informant belongs to Gond Community which comes under Scheduled Castes. Accused were knowing the same, however insulted the informant and his wife. Accused stated informant and his wife as “साला, गोंडाळया मस्ती करशील काय, तुझ्या तोंडात मुतीन, जास्त बोलाल तर तुम्हा दोन्ही बुढाबुढीला जीवाने मारुन टाकीन तसेही तुम्ही दोन्हीच बुढाबुढी राहता.” Hence, complaint was registered.

4. From the contents of application, it reveals that, applicants/accused are falsely implicated. They are respectable citizen and law abiding persons. There is no chance of their absconding. They will abide any condition if so imposed on them and will not misuse their liberty in any manner.

5. From the say of Learned APP, it reveals that, the offence is serious. If applicants/accused are released on bail, possibility cannot be ruled out that they will pressurize the witnesses.

6. From the say of Investigating Officer at Exh.19, it reveals that, if applicants/accused are released on bail, they will misuse their liberty.

7. From the say of informant at Exh.20, it reveals that, there is danger to his life and his family members, if applicants/accused are released on bail.

8. Heard Learned advocate for applicants/accused and

Learned PP.

9. First of all, it is necessary to mention here that, applicants/accused were not arrested and notice was given to them under Section 41 of Cr.P.C. and they were directed to remain present in the Court.

10. Means, it can be said that during the investigation, the concerned Investigating Officer not found it necessary to arrest the applicants/accused. Investigating Officer and informant prayed to reject the application on a count that, if bail is granted to applicants/accused, they will misuse their liberty. To my mind and considering the nature of offence, punishment provided for it, if some conditions are imposed on applicants/accused, that can be said to be taken care of fear in the mind of informant. To my mind, no purpose would be suffice by rejecting the application. Moreover, by passing order below Exh.4 dated 27/12/2023, interim bail was granted to applicants/accused. However, record not discloses that they have misused their liberty. Hence, I proceed to pass following order.

ORDER

1. The application (Exh.03) for regular bail is hereby allowed.
2. The applicants/accused by name **(1) Chhaya Arjun Meshram, (2) Shalu Umesh Uke and (3) Ranjit Arjun Meshram** be released on regular bail on executing PR bond of Rs.15,000/- **each** and solvent surety of like amount in Crime No.871/2023 registered with Tirora Police Station,

District Gondia under Sections 323, 504 and 506 read with Section 34 of The Indian Penal Code and Sections 3(1)(r) (s), 3(2)(va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, on the following conditions:

- (a) Applicants/Accused are directed not to misuse their liberty in any manner.
- (b) Applicants/Accused shall not tamper with the evidence.
- (c) Applicants/Accused shall not directly or indirectly make any inducement, threat or promise to the informant and his family members.
- (d) Applicants/Accused shall not commit any offence against informant.

Sd/-

Date: 06.01.2024

(N. D. Khose)
Special Judge, **Gondia.**