

**In the Sessions Court, Kolhapur, at Kolhapur.**

**(Presided over by P.S. Vithalani, Special Judge & Addl. Sessions Judge)**

The State of Maharashtra. .... Prosecution.  
Vs.  
Vijay Shivaji Patil and 4 others. .... Accused.

**Order below Exh. 5.**

1. This is an application filed by accused No.2- Shivaji Dagadu Patil, accused No.3 – Parvati Shivaji Patil, accused No.4 – Shahaji Ganpati More and accused No.5 Sanjay Vasant Patil seeking interim bail pending the hearing and disposal of Regular Bail Application filed at Exh.4.

2. Perused the application and say given by learned A.P.P. Smt. Patole on the application overleaf. Heard learned Adv. Shri R.B.Patil for accused and learned A.P.P. Smt. Patole for the prosecution.

3. In all five accused are prosecuted for the offences punishable under Sections 498-A, 323, 504 and 506 r.w. Section 34 of Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The accused No.1 Vijay Shivaji Patil was arrested during the investigation and after his remand in judicial custody, he is released on bail. Accused Nos.2 to 5 were not arrested by the I.O. during the investigation. However, they are produced today before this Court along with the charge-sheet. Accordingly, they are remanded in judicial custody.

4. Then, accused Nos. 2 to 5 filed bail application at Exh.4 as per Section 439 of Cr.P.C. In view of mandate of Section 15-A(5) of S.C. & S.T.Act, order in respect of issuing notice to the first informant/ victim has

been passed on bail application. Similarly, say of learned A.P.P. is also called on bail application. Then, the present application seeking interim bail is filed.

5. It appears that there is matrimonial dispute. True it is that, there are allegations of illtreatment against the accused. However, the fact remains that the accused No.1 who is husband of the first informant is already released on bail. Moreover, charge-sheet is also submitted and hence, the investigation is over. To my mind, this is the fit case in which interim bail can be granted. Hence, the order.

**ORDER**

1. Application at Exh.5 is allowed.
2. Accused No.2- Shivaji Dagadu Patil, accused No.3 – Parvati Shivaji Patil, accused No.4 – Shahaji Ganpati More and accused No.5 Sanjay Vasant Patil be released on interim bail on their executing Personal Recognizance bond of Rs.15,000/- each with surety in the like amount subject to following conditions.
  - a. That, accused shall not tamper the prosecution evidence in any manner.
  - b. That, accused shall attend the Court regularly on each date.
  - c. That, accused shall not leave Kolhapur District without permission of the Court till decision on regular bail application Exh.4.
3. Interim bail shall remain in force till decision of regular bail application Exh.4.

**Kolhapur.**

Date : 30/11/2019

**(P.S. Vithalani)**

Spl.Judge & Addl. Sessions Judge,  
Kolhapur.