

Special Case No.58/2026
CNR No. MHOS010009572026

ORDER BELOW EXH.5

State of Maharashtra
Vs.
Pramod Narayan Kolge

1] This is second bail application filed by applicant-accused Pramod Narayan Kolge under section 483 of B.N.S.S. for regular bail after filing of chargesheet in Special Case No.58/2026, in Crime No.92/2026 registered with Bembali Police Station, for the offence punishable Under Sections 118(1), 115(2), 352, 353(2)(3), 74, 76 of the Bharatiya Nyaya Sanhita, 2023 and under Section 3(1)(e)(r)(s) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2] The prosecution case in brief, is that the informant, who belongs to a Scheduled Caste, had earlier lodged FIR No. 84/2025 against the accused, Pramod Narayan Kolge, for offences punishable under Sections 3(1)(w)(i), 3(1)(w)(ii), and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Owing to the said criminal case, the accused bore a grudge against the informant. On 31.03.2026 at about 8:30 p.m., when the informant was proceeding towards her house in front of the residence of Sony Jagtap at Kale Lane, Village

Ruibhar, the accused intentionally intercepted her. He questioned her as to why she was not speaking to him. When the informant ignored him and attempted to proceed, the accused wrongfully restrained her and intentionally insulted and humiliated her by uttering caste-related abuses, stating that despite filing a case against him, she could not do anything to him and addressing her by the derogatory expression "Maharani." Thereafter, the accused assaulted the informant with a dry sugarcane stick, causing injuries to her hand and back. He further tore her clothes with the intention of disrobing and outraging her modesty. The accused also criminally intimidated the informant by threatening to kill her if she deposed against him in the pending court proceedings.

The prosecution contends that the accused committed the offences in retaliation for the earlier FIR lodged against him and with the intention of intimidating, humiliating, and preventing the informant from pursuing the pending criminal case. So, the victim lodged FIR against the applicant.

3] The applicant has averred in the application that he is a respectable person, the karta of his family. His mother is suffering from paralysis, that he has no criminal antecedents, and that he is falsely implicated.

4] The informant appeared before the Court and filed her say

vide Exhibit-9, strongly opposing the present application and praying for its rejection.

5] The learned APP filed the prosecution's say vide Exhibit-6 and strongly opposed the bail application. It is contended that the offence is serious in nature and has been committed against a woman. The accused has extended threats to the life of the informant, and there exists a genuine apprehension regarding her life and liberty at his hands. It is further contended that, if released on bail, the accused is likely to influence or intimidate the prosecution witnesses and tamper with the prosecution evidence, as the investigation is still in progress. Therefore, it is prayed that the bail application be rejected.

6] Heard both sides.

7] I have carefully considered the allegations made in the First Information Report, the submissions advanced by the learned counsel for the applicant, the learned APP, and the informant, as well as the material placed on record. At the outset, it is pertinent to note that the applicant has been arraigned for the offences punishable under Sections 118(1), 115(2), 352, 353(2), 353(3), 74 and 76 of the Bharatiya Nyaya Sanhita, 2023, and Sections 3(1)(e), 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Among

the offences under the Bharatiya Nyaya Sanhita, the offence punishable under Section 76 is triable by the Court of Sessions and is punishable with imprisonment which may extend to seven years. The remaining offences under Sections 118(1), 115(2), 352, 353(2), 353(3) and 74 of the Bharatiya Nyaya Sanhita are triable by the Magistrate. The offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act are triable by the Special Court.

8] The prosecution case discloses that prior to the present incident, the informant had lodged Crime No. 84 of 2025 against the present applicant for offences punishable under Sections 69 of the BNS and sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is not in dispute that the applicant's first bail application in the said crime was rejected. However, after filing of the charge-sheet, he was enlarged on bail by the competent Court. According to the prosecution, after being released on bail, the applicant sexually harassed the informant, abused her by referring to her caste, assaulted her, attempted to disrobe her and threatened her with dire consequences with the intention of compelling her to withdraw the earlier criminal case and to prevent her from deposing against him.

9] The defence has contended that the applicant has

been falsely implicated due to previous enmity and that the allegations in the First Information Report are materially inconsistent with the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita before the learned Judicial Magistrate, First Class. I have carefully examined both the First Information Report and the statement of the victim recorded under Section 183 of the BNSS.

10] A prima facie comparison of these two versions reveals certain material inconsistencies. In the First Information Report, the informant specifically alleged that the incident occurred in front of the house of Sony Jagtap at Kale Lane, Village Ruibhar, and that during the incident, Savita Chawhan, Kisan Bhangre, Sonar Kaka and Suresh Kalal gathered at the spot, intervened, pacified the quarrel and rescued her from the clutches of the accused. However, in her statement recorded before the learned Judicial Magistrate, First Class, the victim stated that although she shouted for help during the incident, nobody came to her assistance and that thereafter the accused fled from the spot. She further stated that she thereafter reached Ruibhar Pati and from there proceeded to the Civil Hospital at Bembali on a motorcycle. Thus, the presence of independent persons at the spot, as narrated in the First Information Report, is not reflected in the statement recorded before the Magistrate. At this stage, the said inconsistency assumes significance while considering the prayer

for regular bail, though its evidentiary value will ultimately be tested during trial.

11] Another aspect which deserves consideration is that the alleged occurrence is stated to have arisen out of the earlier criminal proceedings initiated by the informant against the applicant. The earlier case pertains to allegations which are, *prima facie*, of a more serious nature than those involved in the present crime. Admittedly, despite the prosecution allegation that the applicant has misused the liberty granted to him by committing the present offence after his release on bail, there is nothing on record to indicate that any proceedings have been initiated by the prosecution for cancellation of the bail granted to the applicant in Crime No. 84 of 2025. Though this circumstance by itself is not decisive, it is a relevant factor while assessing the necessity of continued incarceration.

12] It is also pertinent to note that the investigation in the present case has been completed and the charge-sheet has already been filed. Therefore, custodial interrogation of the applicant is no longer required. The object of detention pending trial is not punitive. Once the investigation is over and the material has been collected, continued incarceration must be justified by compelling reasons such as the possibility of absconding, tampering with evidence, or influencing witnesses.

13] The apprehension expressed by the prosecution and the informant that the applicant may threaten the victim cannot be brushed aside lightly. The material on record indicates that the applicant is the Deputy Sarpanch of the village where the informant resides and is stated to be a politically influential person. Consequently, there exists a reasonable apprehension that the informant may feel intimidated if adequate safeguards are not provided. However, such apprehension can be effectively addressed by imposing stringent conditions while granting bail, including restraining the applicant from entering the locality of the informant except for attending Court or investigation, prohibiting him from contacting the informant or prosecution witnesses in any manner, and directing him to regularly attend the trial.

14] Having regard to the nature of the accusations, the completion of investigation, the filing of the charge-sheet, the inconsistencies noticed between the First Information Report and the statement of the victim recorded before the Magistrate, and considering that the presence of the applicant can be secured by imposing stringent conditions, I am of the considered opinion that no useful purpose would be served by keeping the applicant in further judicial custody. The apprehension of the prosecution can be adequately safeguarded by imposing appropriate and rigorous conditions. Accordingly, the application deserves to be allowed on

suitable terms and conditions.

ORDER

- 1) The application is allowed.
- 2) The applicant/accused Pramod Narayan Kolge arrested in connection with Crime No.92/2026 registered with Bembali Police Station, be released on executing PR bond of Rs.50,000/- and surety of like amount on following conditions.
 - A] He shall not pressurize the informant and other prosecution witnesses.
 - B] He shall furnish his authenticated address proof as well as his two nearest relatives.
 - C] The applicant shall not establish any contact with the informant/victim, directly or indirectly, in any manner whatsoever.
 - D] The applicant shall not enter Village Ruibhar, Taluka and District Osmanabad (Dharashiv) as well as Dharashiv city, until the evidence of the informant/victim is recorded in the present case. However, this restriction shall not apply when his presence is required for attending scheduled court proceedings or pursuant to any direction issued by the Court.
 - F] He shall submit his proof of residence for the address where he resided following his release on bail.

Date :- 13.07.2026

[R. K. Khomane]
Additional Sessions Judge,
Osmanabad

CERTIFICATE

I affirm that the contents of this P.D.F. file judgment are same word to word as per the original Judgment.

Name of the Stenographer	:	Golhe P.V., Stenographer Gr. I
Name of the Court	:	District Judge- 4 and Addl. Sessions Judge, Osmanabad
Date of Judgment	:	13.07.2026
Judgment signed by the presiding officer	:	13.07.2026
Judgment uploaded on	:	13.07.2026