

MHOS010016332020 	<u>Spl.Case(Atro)No.106/2020</u> State of Maharashtra. - Vs - Ritesh Ashok Deshmukh and others.
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ORDER BELOW EXH.65

1] This is an application seeking bail moved by the accused-applicants in Spl. Case No.106/2026 arising out of Crime No. 161/2020 registered with Tuljapur Police Station, Dist. Osmanabad for the offences punishable under Sections 354, 323, 504, 506 r/w 34 of Indian Penal Code (for short I.P.C.) and section 3(1)(r)(s), 3(1)(w)(i)(ii) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 post filing of the charge-sheet.

2] The application under section 319 of the Code of Criminal Procedure filed at Exh.59 in the present case and accordingly the applicants have been implicated in the present case on the accusations have abused the informant Kavita Shatrugan Sonwane referring to her cast by saying 'महारांच्या माणसांना शेती काय गरज आहे' and also beaten her husband Shatrugan by saying 'तुला महाराला लय माज आलाय काय' so also threaten them with injuries to their lives.

3] According to the applicant initially during the course of investigation, the Investigating officer had thoroughly investigation the role of the present applicant and specifically found that there was no material and evidence against them. Consequently, the applicants were not charge sheeted and came to be excluded from the array of accused persons. The prosecution evidence has already being concluded and all material witnesses have already been examined. At be lated stage, the present applicant came to be summoned under

section 319 of Cr.P.C, solely on the basis of statement already recording during trial. The applicants claim themselves to be innocent and have been false implicated the evidence brought on record dose not disclosed any strong or cogent material warranting their custodial detention. It is thus prayed that the applicants be granted regular bail.

4] Prosecution has opposed the bail application by filling say at Exh.69 and 70. It is contented that, the F.I.R came to filed against four accused the present applicants are specifically named in the F.I.R since the witnesses have name the accused/ applicants to be present at the time of alleged offence and place and participated in the crime, therefore it is just and necessary to investigate in that line and custodial interrogation of the applicants thus necessary. It is therefore prayed that the bail application be rejected.

5] The original informant Kavita Shatrugan Sonwane in persons intervened by filing say at Exh.68 and opposed the bail application by contenting that, they apprehend danger to their lives at the hands of the applicants and therefore bail may not be granted to the accused / applicants.

6] Heard both the sides.

7] Admittedly, the investigation is conducted by the officer of the rank of Sub-Divisional Police Officer (S.D.P.O) i.e., Dy. Superintendent of Police, during the course of investigation no material or evidence was found against the present applicants hence they were not charge-sheeted and came to be excluded from the array of accused persons. The prosecution evidence have been already be concluded and all material witnesses have already been

examined. Even the statement of co-accused persons as per Sec. 313 of Cr.PC is recorded and at the fag and application Exh. 59 is moved and applicants have been summoned solely on the basis of statement already been recorded during trial.

8] Suffice to say here the alleged offence dated 22.04.2020 where as the application Exh. 59 U/sec. 319 is filed in the year 2024 i.e., after 4 years, that too at the fag in when even the statement of co-accused have been recorded as per Sec. 313 of Cr.PC. As is rightly pointed out the evidence brought on record in the light of statement of witnesses does not disclose any strong or cogent material warranting be custodial interrogation of the applicants. The matter is already at the stage of final argument / judgment and therefore there is absolutely of the applicants influencing witnesses or tampering with evidence, as the entire prosecution evidence already stands concluded.

9] Both the applicants are students studying in B.D.S. having clean antecedents and there is no criminal history whatsoever against either of them. They are permanent resident of Katri Tq. Tuljapur Dist. Dharashiv and ready to abide terms and conditions if any imposed while considering their bail application.

10] Under such circumstances when none of the offence alleged against the applicants are punishable with death or imprisonment for life, the applicants are not charge sheeted earlier for want of any material against them but subsequently summoned only because some witnesses have named and attributed role to them. I am inclined to allow the prayer seeking bail and proceed to pass the following order.

ORDER

1. Application Exh.65 is hereby allowed.
2. Applicant/accused namely Ritesh Ashok Deshmukh and Sudarshan Rajabhau Deshmukh be released on their furnishing of PB and SB of Rs.25,000/- (Rs. Twenty Five Thousand only), **each** in connection with the Crime No. 161/2020 registered with Tuljapur Police Station, Dist. Osmanabad for the offence punishable under Sections 354, 323, 504, 506 r/w 34 of Indian Penal Code (for short I.P.C.) and section 3(1)(r)(s), 3(1)(w)(i)(ii) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 on conditions that;
 - i] They shall not tamper with the evidence or pressurize prosecution witnesses nor shall try to contact the informant and witnesses in any manner.
 - ii] They shall remain present on all material dates during the course of trial of Spl. Case No.106/2020.

Date :- 09/06/2026.

(Dr. F.A.M. Khwaja)
Special/Additional Sessions Judge,
Osmanabad.

C E R T I F I C A T E

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer	Vijay M. Gaikwad, Grade-III (On Deputation)
Name of Court	Additional Sessions Judge, Osmanabad
Date of order/Judgment	09.06.2026
Date of order/judgment signed by presiding officer.	09.06.2026
Judgment/Order uploaded on	09.06.2026