

ORDER BELOW EXH.1 IN CRI. BAIL APPLN. NO.53/2026

(CNR No. MHOS050003242026)

The applicants namely Rohit Dipak Jomde, Pankaj Shankar Jomde and Mahesh Gahininath Jomde (accused No.1, 2 and 3) have filed this application under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023. The applicants have allegedly committed offence under Sections 115(2), 118(1), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 in Police Station Murum in CR No.134/2026.

2. Heard learned advocate for the applicants, learned APP and learned advocate for the informant.

3. Learned advocate for the applicants submitted that the accused has been falsely involved in alleged offence. The applicants have not committed any offence. The applicants have no criminal antecedents. There is delay in filing of the FIR and the same is not explained with sufficient reason. Mother of applicant No.1 Rohit Jomde has been elected as Grampanchayat member in the election process dated 28.04.2026. The applicants have been falsely implicated in the crime due to village and political enmity. He submitted that on perusal of the FIR prima-facie it appears that the alleged offence was not committed within a public view and therefore the offences as per the Atrocities Act are not attracted. In support of his submissions, he relied on judgment of Hon'ble Apex Court in Hitesh Verma V/s. State of Uttarakhand (Cri. Appeal No.707 of 2020). In this case the appellant approached the Hon'ble Apex Court by filing appeal against order passed by Hon'ble High Court Uttarakhand whereby the petition filed by the appellant under section

482 of the Code of Criminal Procedure for quashing the charge-sheet which was came to be filed as per Section 504, 506 of Indian Penal Code and section 3(1)(x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The Hon'ble Apex Court partly quashed the charge-sheet to the extent of offence punishable as per the provisions of the Atrocities Act. Learned advocate for the applicants submitted that custodial interrogation of the applicants is not necessary at the hands of police. He submitted that applicant No.3 Mahesh Jomde is Government Servant. In the circumstances, they may be released on anticipatory bail.

4. On the other hand learned APP relying on say filed by the Investigating Officer submitted that during the course of investigation it was revealed that the applicants were present on the spot of incident and they have committed the offence along with other accused. There is evidence against the applicants in connection with the offence. As per the statement of the informant and the witnesses the applicants and other accused tied hands of the informant to iron pillar in the grape garden and then beat him, therefore, section 127(2) of the BNS has been applied against all the accused. Custodial interrogation of the applicants is necessary for seizure of the motorcycle used by them at the time of the commission of the offence, for seizure of the clothes wore by them and for collection of the blood samples. The informant, the witnesses and the applicants are resident of the same village, therefore, if the applicants are released on bail, then there is possibility of disruption of law and order situation. He submitted that in view of Section 18 of the Atrocities Act anticipatory bail application is not maintainable.

5. The informant appeared and filed say vide Exh.9. He

strongly objected the bail application. It is contended by him that the applicants along with other accused have assaulted him and also abused him on caste. The incident was video-graphed by the applicants and other accused. The said video clip and mobile phone are required to be seized by the police. The applicants have committed serious offence. Hence, the application may be rejected.

6. I have gone through the FIR dated 19.05.2026 in respect of incident dated 18.05.2026. It is alleged that the informant and others were sitting in Samaj Mandir. At that time accused No.4 Chand Aamir Fakir called the informant and invited him for dinner. Then the informant and accused No.4 went to a hotel near Jalkot. At that time, applicant No.1 Rohit Jomde and applicant No.2 Pankaj Jomde came there on motorcycle. They joined accused No.4 and the informant for dinner. Then while returning to Ashta-Mod applicant Rohit Jomde asked the informant to park his motorcycle at Ashta-Mod and then forced him to occupy the middle seat of his motorcycle. Then applicant No.1 Rohit Jomde and applicant No.2 Pankaj Jomde had carried the informant towards grape garden of applicant Rohit Jomde.

7. At that time the accused No.4 and applicant No.3 Mahesh Jomde were already present there. When the applicant was getting of the motorcycle, applicant No.2 Pankaj Jomde caught hold his hand from behind and abused, 'ए म्हारड्या तु लै माजलास तुझी लायकी आहे का आमचेसोबत बसायची' and then started to beat him on his waist and stomach with leg blows. The informant fell down. At that time applicant No.2 Pankaj Jomde pulled out his belt and beat him on his both shoulder. Applicant No.1 Rohit Jomde beat him with stick on the chest, while applicant No.3 Mahesh Jomde had caught hold his

both hands and accused No.4 had caught hold his legs. Accused No.4 beat him with leg blows. The applicants and other accused abused the informant 'महारड्या तु लै माजलास, तुझी लायकी नाही गावात राहायची' and threatened him. The informant was rescued by his cousin brother and others. At that time, applicants Rohit and Mahesh Jomde had beat his cousin Nilkant Kamble with fist and leg blows. The informant and his cousin approached the Police Station, Murum. He was referred to the Government Hospital for treatment and on 19.05.2026 he has filed First Information Report in respect of the incident.

8. The police papers reveals that panchanama of the spot of incident was completed, seizure of T-shirt and belt of the informant, the rope used for tying hands of the informant as well as the wooden logs used for beating of the informant have been seized. The statements of eye witnesses have been recorded. The statements of the informant and the witnesses as per Section 183 of the BNSS are also recorded.

9. Insofar as, the applicants are concerned there are allegations of caste based abuses and beating with belt and wooden logs to the informant. The incident of beating was allegedly video-graphed by the applicants. There is prima-facie case against the applicants. Custodial interrogation of the applicants is essential for recovery of the motorcycle and the clothes as claimed by the Investigating Officer. In the circumstances, this is not fit case to grant anticipatory bail to the applicants. I respectfully submit that the judgment relied upon by learned advocate for the applicants is relating to the quashing of the charge-sheet and therefore it is not applicable to the present set of the facts. Hence, the order -

ORDER

The anticipatory bail application is rejected.

Dated :- 12.06.2026

(M. R. Deshpande)
Additional Sessions Judge, Omerga.

CERTIFICATE

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

Name of Stenographer	:	Shriram Hanmantrao Kale, Stenographer (Grade-I)
Court	:	Additional Sessions Court, Omerga.
Date	:	12.06.2026
Order signed by the Presiding Officer on	:	12.06.2026
Order uploaded on	:	12.06.2026