

1) Bharat Sopan Jare
2) Gorakh Dnyaneshwar Jare

Vs. State.

: Order below Exh. 04 :

(Dated 26th February, 2026)

The applicant is seeking interim anticipatory bail. He is apprehending of arrest in Crime No.99/2026 of Hinjawadi police station, registered for the offences punishable U/Ss.74, 118(1), 115(2), 352, 3(5) of the B.N.S., 2023 U/s. 3(1)(w)(i), (1)(w)(ii), 3(2)(va), 3(1)(r), 3(1)(s) of the S.C. & S.T. Act, 1989 U/s. 8 of the POCSO Act, 2012 and U/s. 75 of the Juvenile Justice Act, 2015.

Facts in short, the prosecution case is as follows -

2] It is alleged that on 14/02/2026, while she was going to her hometown Pirangut with her entire family, they reached the Inamali Road near Ambedkar Chowk in Kasarsai at around 05:15 p.m. by rickshaw. A man on a motorcycle coming from behind their rickshaw abused her, her husband and son by looking in the mirror while driving the rickshaw and asking if she could drive it properly. The man on the motorcycle beat her son with his hands and called 2 two-wheeler number MH 14/MG 0653, MH 14/LC 8100 and one four-wheeler number MH14/KW 8100 to fight. The men on the two-wheeler and four-wheeler beat her husband Balasaheb and son Ayush with wooden sticks and stumps. When she went to mediate, one of the men who came to fight, a man wearing a chex shirt, aged around 25 to 30

years, grabbed her by the chest and pushed her aside, which made her feel ashamed. Therefore, she has lodged complaint against 4 unknown persons.

3] The complainant has appeared at the Hinjewadi Police Station on 15/02/2026 and gave a supplementary statement that on 14/02/2026 at 04:30 p.m., she along with her entire family left the house where she lives in Hamas, Pirangut, Tal. Mulshi, Dist. Pune, India, in a rickshaw bearing No. M.H.14 K.U.8798. She was driving the said rickshaw. At 10:15 pm, when they reached Emamali Road near Kasarsai Ambedkar Chowk, an unknown person came from behind their rickshaw on a motorcycle and abused her badly and said, "तुला आरशात पाहून निट गाडी चालवता येत नाही का ?" She said to that boy, "तुला गाडीचा हॉर्न वाजवता येत नाही का ?" At that time, he abused her again and said that her vehicle horn was not sounding, they took the rickshaw to the side of road. At that time, he took his motorcycle to the side and when she saw that his motorcycle did not have a number plate, her husband Balasaheb said to that boy, " तु माझ्या पत्नीस शिव्या का देत आहेस ?" At that time, the person on the motorcycle ran to hit her husband. Her son Ayush said to that "तु माझ्या आईला शिव्या का देत आहेस ?" He beat her son with his hands.

When her husband went to resolve the fight between the two, the boy grabbed her husband by the collar and called some people. After some time, two two-wheelers with their numbers M.H.14 M.G.0653 & M.H.14.LC.8100 and a four-wheeler with number M.H.14 K.W.8100 came, 3 people came from the police station, one of them was wearing a white colored shirt. His age was about 30 to 35 years. He beat her husband with a stick in his hand. The other person was about 25 to 30 years old and was wearing a white-colored T-shirt. While he was beating her son with a stump, she went in to resolve the fight, when one of the people called by the person on the motorcycle, a person wearing a checkered shirt, about 25 to 30 years old, grabbed her from behind and pulled her aside. After some time, the person who was arguing with her about driving a rickshaw and the 3 people called by the police left from that place. Since they were beaten in the fight, they all came to Hinjewadi Police Station to file a complaint. The police gave them a list of treatments from Aundh Hospital for help. After treatment, she came to Hinjewadi Police Station to file a complaint and filed a complaint against the above unknown person under Sections 74.118 (1), 115 (2), 352.3 (5) of the Hon'ble Justice Act, 2023.

4] In accordance with the complaint filed at Hinjewadi Police Station as above, she would like to add that, as her husband was badly injured during the beating, he had gone home to get medicine and she had come to Hinjewadi Police

Station with her daughter Devyani to file a complaint. She was very scared because her husband was not with her at the time of the fight and because of what happened to her. After filing the complaint, when she went home and showed her husband the photos taken on her phone of the people who were beating him while he was being beaten, her husband said that they all live near his office at Ayush Tempo Service, Dr. Babasaheb Ambedkar Chowk, Kasarsai and that he knows all of them by name and that they all belong to the Maratha caste and that they also know that her and her family belong to the Mahar caste. However, on 14/02/2026, she was leaving for her mother's house in her own name rickshaw number MH14 KU8798. She was driving the said rickshaw herself. In the evening at 05:15p.m. when they reached Inamali Road near Kasarsai Ambedkar Chowka, a person known to her husband, Vaibhav aka Sonya Jare, came from behind their rickshaw on a motorcycle and abused her on the basis of her caste, saying, "ए आईघाले, महारांनो, तुला गाडी नीट चालवायला येत नाही का ?" She said to Vaibhav, "तुला गाडीचा हॉर्न वाजवता येत नाही का ?" At that time, he abused me again and said that my car's horn does not blow. They took the rickshaw to the side of the road. At that time, he took his motorcycle to the side and when she saw that his motorcycle did not have a number plate. Her husband Balasaheb said to Vaibhav, "अरे तु माझ्या पत्नीस

शिव्या का देत आहेस ?" At that time, Vaibhav ran to beat her husband, her son Ayush, age 18, said, "तु माझ्या आईला शिव्या का देत आहेस ?" When he said this, he beat my son with his hands. When her husband went to resolve the fight between the two, Vaibhav grabbed her husband by the collar and called some other people saying, "थांब, तुमच्या महारांचा माजच जिखतो." After some time, two two-wheelers with registration numbers M.H.14.M.G.0653 & M.H.14.LC.8100 and a four-wheeler with registration number M.H.14 KW.8100 arrived, on which her husband's acquaintances Gorakh Jare, aged approximately 35 years, Bharat Jare, aged approximately 35 years, and Sharad Sopan Jare, aged approximately 30 years, arrived. Out of them, Gaurakh beat her son Ayush with the stump in his hand. While Bharat Jare and Sharad Jare were beating her husband with a wooden stick, when she went to resolve the fight, Vaibhav grabbed her from behind by the chest and pushed her to the side. At that time, when her daughter, the victim, aged 16, came to resolve the dispute, Sharad pressed her chest against her, pushed her back, and took the rod of sickle from her hand. They threw sticks at her. They hit her on the wrist.

5] Based on the supplementary statement given by the complainant, the crime was registered under Sections 3 (1) (w) (i), (7) (w)(ii), 3(2) (va), 3 (1)(r), 3 (1)(s) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) and Sections 3 (1) (w)(i) and 3 (1)(r), 3 (1) (s) of the Protection of Children from Sexual Offences Act, 2012.

6] The Ld. Advocate for the applicants in his argument invited my attention towards police Yadi, MLC papers of co-accused-Vaibhav Jare and submitted that in fact, the complainant and her husband assaulted Vaibhav Jare and other co-accused on the same day and when co-accused went to lodge complaint that time complainant lodged the false complaint. He submitted that supplementary statement is false and concocted.

7] He further submitted that there was sudden quarrel between both complainant and applicants. They are unknown to each other. Prima-facie case is not made out under SC & ST Act. The later on given false supplementary statement by fabricated and concocted story. According to him, prima-facie, SC & ST Act is not applicable therefore, anticipatory bail application is maintainable.

8] He further submitted that there is no recovery and discovery from the applicants. He invited my attention towards the following case laws:-

I] Prajwal Gajanan Sonane and another Vs. State of Maharashtra and another, 2025 DGLS (Bom) 924.

II] Yogesh Laxman Pandav & Ors. Vs. The State of

Maharashtra & Anr. 2024 ALL MR (Cri) 730.

III] Rajesh Swarupchand Kankaria and others Vs. State of Maharashtra, 2017(2) ABR (Cri) 71.

and submitted that interim anticipatory bail be granted.

9] Perused application, say and also gone through the FIR, but upon perusal of the remand Yadi, it appears that the complainant gave supplementary statement and stated that her husband knows all the accused persons. They were of Maratha community and they knows that complainant and her family belongs to SC & ST Caste. The complainant has specifically stated the exact word alleged to have been used by the accused. She also stated that the applicant-Sharad pressed chest of the Victim Girl ABC who is 16 years and assaulted by the rod of sickle. The specific allegations are made under Section SC & ST Act. There is specific mentioned in supplementary that the applicants and co-accused knows that the complainant and her family belongs SC & ST Caste. Further, the offence of outraging modesty of the Victim Girl ABC who is 16 years of age is serious in nature. The detail investigation is required to be made.

10] Upon perusal of FIR, it appears that there is allegation that applicant Nos.1 & 2-Bharat & Gorakh assaulted her husband by the rod of sickle. Only 1 rod of sickle is seized. The allegation of outraging modesty has been made. Further, the allegation is that the applicant No.2-Gorakh assaulted the son of

complainant by stump. Therefore, the allegations are serious. The detail investigation is required to be made.

11] *Prima-facie* the supplementary statement shows that the applicants have knowledge about the caste of the complainant. The specific abused alleged to have been given by the applicant has been mentioned.

12] I have gone through the cited case laws submitted by the Ld. Advocate for the applicants.

A] In the case law of *Prajwal Gajanan Sonane and another cited (Supra)*, it has been held that the specific allegation has not been made against the applicant. Nothing is to be seized from the applicant. No *prima-facie* case is made out therefore, bar under Section 18 of the SC & ST Act is not attracted. But in this case, the specific allegations have been made. The FIR specifically shows the abuse to have been given caste and knowledge of the caste.

B] In the case law of *Yogesh Laxman Pandav & Ors. cited (Supra)* the allegations were that the abuses were given on phone by the landlord and it has been held that the said allegations cannot be said within the public view or at public place. In the case in hand, as per the FIR, the complainant stated that on the road the accused alleged to have been abused in the name of her castes.

C] In the case law of *Rajesh Swarupchand Kankaria and*

others cited (Supra) the case has been decided on merits. In this case, the case is as pre-trial investigation stage.

Therefore, with due respect to the said case laws, in my opinion does not applicable to the present case.

13] It appears that the nature of offence is serious. There is recovery from the applicants. The custodial interrogation of the applicants is necessary and there is specific Bar U/s. 18 of the SC & ST Act. The Victim Girl ABC hardly 16 years of age. Therefore, considering all these facts, in my opinion the applicants are not entitled to be protected by interim anticipatory bail. Hence, the application deserves to be rejected and I pass the order:-

ORDER

01. Application (Exh. 04) is rejected.
02. Issue Notice to the complainant, Ld. APP and Investigating Officer. Notice R/o. 04/03/2026.
Intimate to concerned Investigating Officer.

Date : 26.02.2026

(Sucheta M. Takalikar)
Special Judge &
Additional Sessions Judge, Pune.