



Cri. Bail Appl. No. 1097/2025
(CNR No. : MHPU01-002584-2025)

Bharat Jare & Anr.
Vs.
State of Maharashtra

ORDER BELOW EXH. 1

1. This is an application for anticipatory bail filed by the applicant/accused **Bharat Sopan Jare** and **Gorakh Dnyaneshwar Jare** under Section **482** of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 in connection with Crime No. **99/2026**, registered with Police Station, Hinjwadi, Pimpri-Chinchwad for the offence punishable under Sections 74, 118(1), 115(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (In short referred to as “BNS”), Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va), 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act (In short referred to as “SCST Act”), Section 8 of the Protection of Children from Sexual Offences Act, 2012 (In short referred to as “POCSO”) and Section 75 of the Juvenile Justice (Care and Protection) Act (In short referred to as “JJ Act”).

2. The prosecution has filed say and opposed this bail application. The complainant filed say on record and strongly resisted this application.

3. Heard learned advocate for the applicant/accused and Spl.PP. for the State. Perused application, say filed by the Prosecution and police papers.

Brief facts of Prosecution story are as under ;

4. Complainant lodged report on 15/02/2026 that on

14/02/2026 at about 04.30 p.m. she along with her family member was proceeding to her maternal house by her auto-rickshaw. She was driving auto-rickshaw. At about 03.15 p.m. unknown persons came on motorcycle and abused her. They stopped their vehicle, hot exchange of words took place between them. According to complainant, unknown persons tried to beat her husband. He had beaten person.

5. It is further contended that after some period 2 two wheeler and one four wheeler came there. Three people came by the said vehicle. One person assaulted her husband by means of wooden stick. One person had beaten by means of stump. One person pushed her by pressing her chest, then people left the spot. Then the complainant along with her family members went to Hinjwadi Police Station and after medical check up complaint was lodged.

6. Later on supplementary statement of complainant was recorded by police. Then she stated that people who assaulted them were having their business near the shop of her husband. She further stated that she knows about her caste. She further stated that they abused her on her caste and outraged her modesty and modesty of her daughter. Therefore offence punishable under the provisions of BNS, POCSO, SCST Act and JJ Act have been registered against the accused.

7. It is argued by the learned advocate for the applicants/ accused that the accused have not committed any offence. They are falsely implicated in this case. Complainant and accused does not

know with each other. Accused did not aware about the caste of the complainant and victim. He further submitted that in the FIR there is no allegations against the accused about outraging modesty of her daughter and abuse on caste. In the supplementary statement the complainant improved her version and falsely implicated in this case. The learned advocate further submitted that there is no consistency in the statement of prosecution witnesses, from time to time they improved their version so as to falsely implicate the accused in serious matter.

8. He further submitted that most of the investigation is completed. The present accused are ready to co-operate with the investigating agency. Quarrel on the ground of driving of vehicle took place between the complainant and accused. Police has seized vehicle. The complainant was having apprehension in her mind that the accused will lodge report against her, therefore she has lodged false complaint against the accused. Accused are ready to abide terms and conditions of the Court and hence prayed for grant of anticipatory bail.

9. The learned Spl.PP has submitted that the accused person in spite of having knowledge of caste of complainant, abused them on their caste and outraged the modesty of minor girl of the complainant. Medical papers are supporting. Offence is serious. The accused cannot claim anticipatory bail under SCST Act. Custody of the accused is necessary for further investigation. Therefore, this application should be rejected.

10. I have gone through the record it appears that incident

took place on the count of driving of the vehicle. It also appears that time to time there is improvement in the statements of complainant and witnesses. It appears that complainant's husband was present on the spot, however he could not identify the accused. Later on complainant improved the story that her husband informed her that he knows the accused. Considering this fact and considering the fact that most of the investigation is completed, charge-sheet is likely to be filed and considering willingness of accused to co-operate with Investigating agency, I am of the view that anticipatory bail should be granted in favour of the accused by imposing certain stringent conditions. Accordingly, I proceed to pass the following order.

ORDER

1. The application (Exh.1) is allowed.
2. In the event of arrest, applicant/accused **Bharat Sopan Jare** and **Gorakh Dnyaneshwar Jare** shall be released on anticipatory bail upon furnishing P. R. bond in the sum of **Rs.50,000/- each** with surety in the like amount, on following conditions ;
 - [i] The applicants shall attend concerned police station on **every 1st and 15th date of every English calendar month** between **10.00 a.m. to 12.00 noon** and as and when called by Investigating officer till filing of charge-sheet.
 - [ii] The applicants shall not tamper with the prosecution evidence in any manner. They shall not pressurize the victim, complainant and family members and witnesses and shall not indulge in any offence.

- [iii] The applicants shall not contact with the victim and family members, in any manner.
 - [iv] The applicants shall submit their address proof and phone details as well as phone details of two close relatives to Investigating Officer.
 - [v] The applicants shall not leave Maharashtra without prior permission of the Investigating Officer.
 - [vi] Violation of any of the conditions imposed, shall amount the cancellation of bail forthwith.
3. The bail application is accordingly disposed of.

Pune.
Date : 31/03/2026.

[Kavita D. Shirbhate]
Special Judge (under POCSO Act) &
Additional Sessions Judge, Pune

