

IN THE COURT OF SPECIAL JUDGE, BARAMATI,
DIST.PUNE.

(Presided Over by Surekha R Patil)

CNR No. MHPU-1400-0414-2026



Azaharuddin Shaikh and Anr.

V/s.

State of Maharashtra

A) CASE DETAILS :-

FIR Number	C.R.No.449/2016
Police Station, District and State	Daund Police Station, Tal.Daund, Dist.Pune
Sections invoked	U/Secs.143, 147, 307, 323, 332, 352, 504 and 506 of the Indian Penal Code (here-in-after in short 'IPC') and Section 3(1)(10) of Scheduled Castes and Scheduled Tribes, (Prevention of Atrocity) Act (here-in-after in short 'the Atrocity Act')
Maximum punishment prescribed	Life Imprisonment

B) CUSTODY & PROCEDURAL COMPLIANCE :-

Date of Arrest	26/02/2026
Total Period of Custody Undergone	05/03/2026

C) STATUS OF TRIAL :-

Stage of proceeding (Investigation/Charge-sheet/ Cognizance/Framing of Charges/ Trial	Investigation
Total number of witnesses cited in the charge-sheet	---

Number of prosecution witnesses examined	---
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D) CRIMINAL ANTECEDENTS :-

FIR Number & Police Station	---
Sections	---
Status (Pending/Acquitted/Convict.)	---

E) PREVIOUS BAIL APPLICATIONS :-

Court	District and Sessions Court, Baramati.
Case Number	Cri.B.A.No.1424/2022
Outcome of case	Application rejected on 10/11/2023.

F) COERCIVE PROCESSES :-

Whether any Non-Bailable Warrant was issued	---
Whether declared a proclaimed offender	---

ORDER BELOW EXH.1

Applicant/accused No.1 **Azharuddin Shaukat Shaikh** and No.2 **Yuvraj Navnath Mengawade** have filed this application for grant of bail U/Sec.483 of Bharatiya Nagarik Suraksha Sanhita (Here in after, in short, B.N.S.S. 2023) in connection with C.R.No.449/2016 for offences punishable U/Secs. 143, 147, 307, 323, 332, 352, 504 and 506 of the Indian Penal Code (here-in-after in short 'IPC') and

3 Cri.Bail Application No.174/2026

Section 3(1)(10) of Scheduled Castes and Scheduled Tribes, (Prevention of Atrocity) Act (here-in-after in short 'the Atrocity Act'), registered with Daund Police Station, Tal.Daund, Dist.Pune

2] Brief facts of the prosecution case are: -

The informant Shashikant Adhar Sonawane was working as Talathi in Tahasil Office Daund. At the time of incident, charge of village Ravangaon and Swami Chincholi was with him. He belongs to Bhil community i.e. Scheduled Caste.

3] On 10/08/2016 at about 09:30 am, he and Kotwal of village Swami Chincholi Mr. Bapu Uttam Londhe were in Talathi office at Ravangaon. At that time, the informant received phone call of Tahasildar Prashant Bedase. Tahasildar Prashant Bedase informed that he has received secret information about transportation of sand by trucks via. Swami Chincholi. Tahasildar Prashant Bedase asked the informant to verify about the information and take action against the trucks. Accordingly, the informant along with Kotwal started proceeding towards village Swami Chincholi by his car. At that time, they saw two Trucks bearing MH-42-B-9811 and MH-12-HD-0149. So, the informant stopped his car and get down from it. He gave signals to drivers and stopped the Trucks. He found that, both the Trucks were loaded with sand. So, the informant held inquiry with Truck drivers about license/permit and transportation permission. Both the Truck drivers said that; they don't have license/permit

as well as transportation permission. So, the informant asked them to take both the Trucks in Tahasildar office, Daund. At that time, the driver of Truck phone called someone.

4] It is further alleged by the informant that; after some time, Azaharuddin Shaukat Shaikh i.e. accused/applicant No.1 and Yuvraj Mangawade i.e. accused/applicant No.2 along with accused Sanjay Mahadev Babar and three other persons came there by their motorcycles. They started pulling down the informant from his car. In that, accused/applicant No.1 started abusing him by caste name saying that "ए आदिवाश्या तु निट रहा, इकडे पोट भरायला आलाय तु निट रहा व पोट भर, आयघाल्या, भाडखाऊ तुला परत तुझ्या भागात लावुन देवु का". All accused and Truck drivers pulled the informant down and started beating him. Accused/applicant No.1 caught-hold him and pushed him near the tyre of Truck. He thrown him in front of Truck saying that, they will run over him by Truck. Accused persons asked Truck drivers to fled with Trucks. Accused persons also fled from the spot by their motorcycle. The villagers from village Swami Chincholi stopped the Trucks. Thereafter, the Truck drivers fled. Then, the informant along with his employee brought that Trucks in Tahasil Office, Daund and filed report against accused persons. According to the informant, he sustained injury due to beating at the hands of accused persons. Police gave him Yadi and referred to hospital.

5] On the basis of his report, crime vide C.R. No.449/2016 for the offences punishable U/Secs.143, 147, 307, 323, 332, 352, 504 and 506 of IPC and Section 3(1)(10) of the Atrocity Act, came to be registered against accused with Daund Police Station, Tal.Daund, Dist.Pune. The accused/applicants were absconding since registration of offence. Both accused/applicants have filed applications for anticipatory bail. Their applications came to be rejected. Even after that, they neither surrender before Investigating officer nor arrested by Investigating officer. The Investigating officer has submitted charge-sheet against accused No.3 and accused/applicants as well as accused No.4 U/Sec.299 of Cr.P.C.

6] On 26/02/2026 accused/applicants have been arrested. They have been remanded to judicial custody on 05/03/2026. Since then, they are in judicial custody. Hence, they have moved this application for grant of bail.

7] Ld. APP & Investigating officer have filed their reply at Exh.5, contested the application and prayed for it's rejection.

8] Notice of this application is repeatedly sent to the informant. It is served to him through electronic process. But he failed to appear and filed his reply to this application.

9] It is submission of Ld.Advocate for accused/

applicants that, offence took place before 10 years ago. Investigating officer has submitted charge-sheet. Accused/applicants have been arrested after 10 years. Caste of the informant and accused/applicants is not mentioned in FIR. So, Atrocity would not attract. No prima facie evidence about motive, preparation, intention. No specific allegations against accused/applicants. No recovery or discovery on the part of accused persons. The informant has sustained only wrist injury. Ingredients of Section 307 would not attract in this case. Seized Trucks not belongs to accused persons. The owner of Truck has produced permit and license as well as receipts of sand and take back the Trucks as well as sand from the Court. Accused/applicant No.1 is Sarpanch of village for the period of 2010 to 2015. Since 2021, his wife is Sarpanch. Accused/applicants never absconded. Investigating officer has never tried to arrest them. Supplementary charge-sheet is submitted against accused persons. So, accused persons are entitled to get bail.

10] In support of his submission, he relied upon **Nitin Sampatrao Maske & Anr. Vs. The State of Maharashtra & Anr., reported in 2019 ALL MR (Cri) 2983.** Wherein their lordships have been released accused on bail on the ground that, allegation made by the informant in FIR are not sufficient to attract provisions of Atrocity Act.

11] On the other hand, it is submission of Ld. APP that, anticipatory bail applications filed by accused persons are rejected by this Court on the ground that Atrocity Act attract in this case. For commission of offence punishable U/Sec.307 of IPC, physical injury is not required. The informant is Government servant. There is prima facie sufficient evidence about involvement of accused/applicants in this case. Since date of registration of FIR, both accused persons absconded. Offence committed by accused persons is serious in nature. There is possibility of fleeing as well as tampering and inducement, if accused persons released on bail. Accordingly, prayed for rejection of application.

12] Perused material produced on record. As pointed out by Ld.Advocate for accused/applicants, caste of accused/applicants is not mentioned in FIR. But, the caste of the informant is mentioned by him while filing report. The informant has specifically mentioned the name of accused persons. The fact that, the informant is working as Talathi is not in dispute. The allegation made by the informant in FIR shows that, accused persons know the caste of the informant. Thus, in this case, it cannot be said that, Atrocity would not attract.

13] So also, as pointed out by Ld.APP, the anticipatory bail applications filed by accused persons are rejected by this Court on the ground that the

material placed on record prima facie sufficient to attract provisions of Atrocity Act, so in view of bar U/Sec.18 and 18A of the Atrocity Act, accused persons are not entitled to get anticipatory bail. Thus, it cannot be said that provisions of Atrocity Act would not attract in this case.

14] As pointed out by Ld.APP, the informant has made serious allegation against accused persons. Accused persons have assaulted the informant and obstructed him from discharging his official duty. The allegation made by the informant shows that, accused persons assaulted the informant with intend to kill him. The reason behind commission of offence is also serious. According to the informant, he caught two Trucks loaded with sand without permit and license. On this background, the allegation made by the informant against accused persons are definitely serious in nature.

15] Be that as it may, as pointed out by Ld.Advocate for accused/applicants, alleged offence took place in 2016, investigation is already over. Alleged Trucks and sand are seized. Trucks are returned to original owner on executing supratnama bond. Custodial part of investigation of accused persons is over. One more accused is still absconded. Supplementary charge-sheet yet not filed. Charge yet not framed. Thus, there is no likelihood of taking this matter for final hearing in near future. In the

circumstances, no purpose of prosecution would be sufficed by keeping the applicant/accused behind bar as pre-trial punishment for indefinite period.

16] So far as, the possibility of tampering, inducement and repetition of offence at the hands of accused/applicants is concern, if accused/applicants are released on bail subject to certain condition, purpose of prosecution would suffice. For this reason, in the given facts and circumstances in this case, I am of the view that, it would not be just and proper to keep accused/applicants behind bar.

17] Having regard to the above-mentioned facts and circumstances of the case, I am of the opinion that, accused/applicants are entitled for bail. I, therefore, pass following order :-

ORDER

1. Application is allowed.
2. Applicant/accused No.1 **Azharuddin Shaikat Shaikh** and No.2 **Yuvraj Navnath Mengawade**, in connection with C.R.No.449/2016 for the offences punishable U/Secs.143, 147, 307, 323, 332, 352, 504 and 506 of IPC and Section 3(1) (10) of the Atrocity Act, registered against accused with Daund Police Station, Tal.Daund, Dist.Pune, be released on bail, on furnishing P.R. Bond of Rs.50,000/- (Rs. Fifty Thousand only) each, with one Surety in the like amount each, and on the following conditions: -

- (a) They shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him, so as to dissuade him from disclosing such facts to the Court or to Investigating Officer.
 - (b) Applicants shall not commit the similar offence and shall not indulge in any other criminal activities.
 - (c) Applicants shall furnish their true and permanent residential address. They shall not change their residence without prior written permission of this court.
 - (d) Applicants shall provide all their mobile numbers to the I.O. concerned which shall be kept in working condition at all times and shall not switch off or change mobile numbers without prior intimation to the I.O. concerned and Court.
 - (e) Applicants shall attend this Court on each and every date till conclusion of the trial.
 - (f) They shall comply with Chapter I Paragraphs 1 to 6 of the Criminal Manual 1980 (In view of Order of the Hon'ble High Court passed in Criminal Application No. 28/2010 in Public Interest Litigation No. 25/2010 on January 29, 2020).
4. Inform to concerned Jail Authority, through email.

Date: 23/03/2026.
Baramati.

(Surekha Patil)
Special Judge, Baramati,
Dist.Pune.

“CERTIFICATE”

I affirm that the contents of this PDF file are same word for word as per original :-

Name of Steno : **Jagadish Narayan Kanki,**
(Stenographer Grade - I)

Court name : **Surekha R. Patil.**
Addl. Sessions Judge, Baramati

Judgment delivered on : **23/03/2026**

Judgment signed by PO on : **24/03/2026**

Judgment uploaded on : **24/03/2026.**