



Special Case No. 83/2025
(CNR No. : MHPU14-001078-2025)

State of Maharashtra
Vs.
Somnath Dhangekar & Anr.

ORDER BELOW EXH.6

1. This bail application has been filed by the applicant/accused No1 Somnath Ganpat Dhangekar under Section 483 of Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 for grant of bail in connection with Crime No.48/2025 under section 115(2), 118(1) 3(5), 351(2), 352, 64(1) of Bhartiya Nyay Sanhita (BNS), 2023 and sections 3(1)(w)(i)(ii), 3(2)(va), 6 of of S.C. S.T. Prevention of Atrocity Act registered at Police Station, Supa, Tal. Baramati, Dist. Pune.

2. In short, prosecution case as per recitals in FIR is that informant/victim doing labour work of cutting sugarcane. Husband of informant is labour contractor in providing labourers for cutting sugarcane, particularly in the area of Phatan, Baramati. In last year, her husband became acquainted with Somnath Ganpat Dhangekar (accused no.1). He told to the husband of informant that he is owner of labour groups. He required labourers and if her husband provided him labourers, he will pay commission to him. Husband of informant agreed to provide labourers to accused no.1 and obtained advance of Rs.4 lakhs from him.

3. It is further alleged that in the month of September, informant and her husband came to Sangvi-Mainar Phata, Tal. Phaltan, Dist. Satara alongwith 114 labourers from their native

village Dhadgaon. Accused no.1 met to them and he made arrangement of the residence of all labourers. However, accused no.1 had not provided work to them and also not provided grocery to them. Thereafter, in the month of February 2025, accused no.1 took them to Kutwalwadi, Tal. Baramati for cutting sugarcane. On 19.02.2025, at about 11.00 pm, he came to the place of residence of labourers situated at village Kutwalwadi and informed that they have to go to other place for cutting sugarcane. Informant, her brother, his wife boarded in the vehicle of accused no.1. He took them at one *Dhaba* (hotel) and stopped his vehicle. All they alighted from the vehicle. He forced all of them for consuming liquor. Then, accused no.1 started quarreling with them on the count why they had provided less labourers to him. They tried to convince accused no.1, however, he was not ready to listen them. He assaulted them. While proceeding through vehicle of accused no.1, he stopped his vehicle near vehicle of police. Informant alighted from the vehicle of accused no.1 and requested the police for help. One of the police officer boarded in the vehicle of accused. Then, at about 03.00 am, they were left at village Kutwalwadi. Police officer left the spot at Kutwalwadi, then, accused no.1 called Santosh Pundlik Karse (accused no.2) by making phone call. Both of them assaulted to husband of informant. When informant and her other companions were trying to rescue her husband from clutches of both accused, they assaulted to informant and other witnesses by means of stick as well as by means of feast and blows.

4. It is further alleged that at about 04.00 am, under threat, accused no.1 driven out husband of informant and other

labourers. Then, he forcibly took the informant in a hut and for about one hour he has tried to commit sexual assault on the informant. Informant opposed for the same, then, the accused took out his penis from his pant, caught hold hairs of informant and inserted his penis in her mouth, he told whether she is feeling well. She rescued herself from the clutches of accused no.1 and fled away. She was became scared, therefore, she had taken shelter at some place. Then, accused no.1 left informant and other labourers accompanied with her at village Najare Pimpri, Tal. Purander and fled away. Then, they contacted Social Worker Vijay Tedy Valvi R/o. Nandalwad, Tal. Dhadgaon who is working as member of *Narmada Bachav Andolan*. He had contacted other social workers of said organization and as on 03.03.2025, the informant and others returned back to their native village Dhadgaon. The husband of informant returned back to his house on 08.03.2025, then, they lodged report to Dhadgaon police station. On the basis of said report, initially FIR was registered with zero number, then, it was registered to Supe Police Station vide FIR No.47/2025 on 12.03.2025.

5. Accused no.1 was arrested on 16.03.2025. He was remanded to police custody till 18.03.2025. Since 18.03.2025, he is in JCR. He had preferred bail application no.252/2025, it has been rejected vide order dated 09.04.2025 on the ground that investigation is in progress and there is possibility of tampering evidence. Now, investigation is completed, charge-sheet is filed. Hence, he has preferred this successive bail application for grant of bail.

6. The prosecution has resisted this application by filing its reply Exh.9, reiterated the contents of charge-sheet and further contended that offence is serious one, committed against woman of SC-ST community. There is possibility of pressurizing informant and witnesses. There is possibility of fleeing accused from justice. Accused no.1 is having criminal antecedents. There is possibility of repetition of crime. Hence, urged for rejecting application.

7. Notice was issued to the informant/victim. In response to said notice, she appeared before this Court through Adv. B. V. Khanolkar and filed her reply at Exh.11 strongly resisting this application. She has reiterated the contents of reply filed by the prosecution. She has raised additional contentions that there is danger to the life of her husband, minor children and herself from the accused. She also contended that accused no.2 is absconding after rejecting his application no.264/2025 filed for grant of anticipatory bail. He is not arrested till date. Both accused had confined husband of the informant, gave threat to kill him and tried to prevent informant from lodging report. In order to save the life of informant and her family members, she has been compelled to leave her city of residence and go to her native village. If accused is released on bail, in future, there is possibility of threatening informant and prosecution witnesses, tampering evidence. Hence, urged for rejecting application.

8. Heard arguments of both sides. The Ld. counsel for accused no.1 reiterated the contents of his application in his

argument before this court. He also placed his reliance on documents filed under list Exh.14 i.e. copy of Kararnama dated 22.05.2024 and copy of NCR No.0257/2025 dated 06.03.2025. He further submitted that alleged incident took place on 19.02.2025, FIR has been registered on 11.03.2025 in Dhadgaon police station. Kararnama shows that an amount of Rs.35 lakhs was advanced to the husband of informant to provide labourers for sugarcane cutting. However, he has not provided the labourers and also not refunded the amount obtained by way of advance. The recitals of FIR and statements of other witnesses including husband of informant are inconsistent and not corroborative to each other. He further submitted that police officer was met to the informant and witnesses accompanied with her, however, they have not whispered anything to the police officer. After delay of 22 days so as to grab amount obtained by way of advance cooked concocted story and lodged FIR. The witnesses are close relatives of informant, still they have not corroborated contents in the FIR. He further submitted that no injury marks found on the person of informant and prosecution witnesses. Since last three months, accused is behind bar. Investigation is completed, charge-sheet is filed. The informant and prosecution witnesses are habitant of different places far away from the native place of accused. He is not required to be detained behind bar by way of punishment before conclusion of trial. He is ready to obey the conditions imposed on him. Hence, urged for granting bail.

9. The Ld. counsel for accused no.1 placed his reliance on decision in case of *Pramod Sharad Kale Vs. The State of*

Maharashtra DLD(Cri)-2024-3051 and on decision in case of **Rahul Pandit Ade Vs. The State of Maharashtra DLD(Cri) 2023-2529.**

10. As against this, the Ld. Special P. P. and Ld. counsel representing to informant/victim reiterated the contents of their respective reply before this Court in their arguments. In addition to that, they submitted that the Ld. counsel for accused twisted the facts in his argument. The incident took place during night hours. The husband of informant was confined. After his rescue, FIR has been lodged. Therefore, the delay is not fatal. After incident, there was lot of time in between date of occurrence and date of FIR, meantime, the accused got executed Kararnama and other documents. Medical test has been conducted after long delay, therefore, no injury marks appearing on the person of victim. There is no variance/contradiction in the statements of informant and prosecution witnesses. They further contended that offence is serious one committed against woman of Scheduled Tribe. Investigation under section 193(9) of BNSS is still going on. Hence, urged for rejecting application.

11. At the outset, it reveals that it is not in dispute that accused no.1 had filed bail application no.252/2025 and it has been rejected vide order dated 09.04.2025 on the ground that investigation is not completed and there is possibility of tampering evidence. It is not in dispute that now investigation is completed and charge-sheet is filed. Further, the record shows that accused no.1 has been arrested on 16.03.2025, he was remanded to police

custody till 18.03.2025. Since then, he is judicial custody.

12. In case of **Rahul Pandit Ade Vs. The State of Maharashtra** (cited supra) Hon'ble Bombay High Court observed that :

“ Applicant is behind bar since 03.08.2022. the charge-sheet has been filed. The charge has not yet been framed and it will take some time to commence and conclude the trial. When inquired, Ld. advocate for the applicant states that there are no criminal antecedents against the applicant. He is residing in the village for last so many years. In view of the above and considering the nature of evidence against the applicant, I am of the view that no fruitful purpose will be served by keeping him behind the bars.”

13. Facts in above cited case and present case are identical. In present case, the accused is behind bars since 16.03.2025. Charge-sheet has been filed. The trial against the accused will take its own time, considering pendency of matters before this court. The accused is resident of his village for last so many years. Hence, the ratio laid down in above cited case is squarely applicable in the present case.

14. In case of **Pramod Sharad Kale Vs. The State of Maharashtra** (cited supra) Hon'ble Bombay High Court has observed that :

“ Though the application is vehemently opposed by

the Ld. APP, in the facts and circumstances of the present case, since the investigation is complete, charge-sheet has been filed, I am inclined to enlarge the applicant on bail. Further incarceration of the applicant will only be by way of a pretrial punishment in the facts and circumstances of the case.”

15. Facts in above cited case and present case are identical, as in present case, there is delay of 22 days in lodging FIR. There are material controversies and discrepancies in the recitals of the FIR and in the statements of the star witnesses of the prosecution, who are close relatives of the informant/victim. There is no whisper in the statements of witness Bharat Patale, Nasha Bharat Patale in respect of attempt of sexual assault on informant by accused no.1. The statements of other witnesses including husband of informant in regard to attempt to sexual assault are on hearsay basis. Thus, at this stage, these variances in the statements of the material witnesses who are close relatives of informant speaks volumes. At this stage of deciding bail application, it is not desirable to make much more comments on material available on record, as making comments would cause prejudice to either side. Moreover, no injury marks appeared on the person of victim.

16. Apart from above discussion, the documents placed on record on behalf of accused no.1 under list Exh.14 shows that there were monitory transactions between accused no.1 and the husband of victim. One N.C. vide NCR No.0257/2025 has been registered on 06.03.2025 on the basis of complaint lodged by accused no.1, i.e.

before registration of the FIR. The Ld. counsel for the informant raised contentions that there was time gap in the date of incident and date of filing FIR, meantime, forcibly thumb impression and signatures have been obtained and on that basis Kararnama and other documents might have been fabricated. However, this court does not find much force in these submissions at this stage, as the copy of Kararnama shows that it is notarized document, moreover, the stamp of Rs.100/- has been purchased as on 22.05.2024. The execution of Kararnama is dated 22.05.2024. Hence, considering all these aspects, this court is of the view that in view of the ratio laid down by the Hon'ble Bombay High Court in cases cited supra, applicant/accused no.1 is required to be released on bail by imposing stringent conditions on him, considering apprehension shown by the prosecution as well as apprehension shown by the informant/victim. In the result, I pass following order :

ORDER

1. The Bail Application No.83/2025 (Exh.6) is allowed.
2. The applicant/accused **Somnath Ganpat Dhangekar** shall be released on bail on executing Personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)** and furnishing surety in like amount, in connection with Crime No.48/2025 under section 115(2), 118(1) 3(5), 351(2), 352, 64(1) of Bhartiya Nyay Sanhita (BNS), 2023 and sections 3(1)(w)(i)(ii), 3(2)(va), 6 of of S.C. S.T. Prevention of Atrocity Act registered at Police Station, Supa, Tal. Baramati, Dist. Pune on following conditions :
 - [i] The applicant/accused no.1 shall not tamper with prosecution evidence or pressurize the informant

and witnesses in any manner whatsoever.

- [ii] The applicant/accused no.1 shall attend the Police Station, Supa, Dist. Pune on first Monday of every month in between 11.00 a.m. to 02.00 p.m. till conclusion of trial.
 - [iii] The applicant/accused no.1 shall give declaration of place of his residence and file the proof of residence, both present and permanent on record.
 - [iv] The applicant/accused no.1 shall attend the Court regularly on each and every date.
 - [v] The applicant shall not leave the jurisdiction of this Court without prior permission of the court.
 - [vi] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to to any police officer.
 - [vii] The applicant shall not indulge in any criminal activities.
 - [viii] The applicant shall comply with Chapter-I, Paragraphs 1 to 6 of the Criminal Manual, 1980. (In view of order of the Hon'ble Bombay High Court passed in Criminal Application No.28 of 2010 in Public Interest Litigation No. 25 of 2010 on January 29, 2020.
3. If breach of the any of the above conditions committed, then investigating officer is at liberty to move application for cancellation of bail before this Court.
4. Intimate to the concerned police station accordingly.

5. Bail Application is accordingly disposed of.

Date : 24/06/2025.
Baramati.

[B. D. Shelke]
District Judge – 2,
Baramati, Dist. Pune.