



**Spl. Case No.23/2023.**  
**C.N.R.No. MHRG010009672023**

**Prajakta Pramod Dhivare & Anr.** ... Applicant.

**Vs.**

**The State of Maharashtra** ... Respondent.

**ORDER BELOW EXH.2**

This is an application for regular bail under Section 439 of Cr.P.C. by applicants/accused Prajakta Pramod Dhivare and Uttam Budhaji Dhivare in connection with C.R.No.102/2023 registered by Alibag Police Station under Section 500, 501 r/w.34 of Indian Penal Code and Section 3(1) (q) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

02. Perused the application and say given at Exh.3 and say given by original victim and informant at Exh.4.

03. It is alleged by the prosecution that informant belongs to Hindu Chambhar Caste and accused No.1 belongs to Brahman Cast and accused No.2 belongs to Bauddha Religion. It is alleged that accused persons knew the caste of informant and her family members and on account of her caste the accused

persons regularly insulted informant and also gave various applications to Mahila Ayog, to the Inspector General and to the Superintendent of Police Raigad which were frivolous or false, to cause such public servant to use lawful power to make enquiry or cause annoyance to the informant.

04. Heard advocate Shri.Upadhye for the applicant. A.P.P. Shri.Milind Pandkar for the State and informant Jyoti Gaikwad in person. Informant has filed her reply at Exh.4 and opposed bail application.

05. The accused are booked for the offence punishable under Section 500, 501 r/w.34 of I.P.C. and Section 3(1)(q) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Admittedly the maximum punishment that can be imposed is of 5 years. Admittedly when the investigation was in progress accused were not arrested by Investigating Agency. The accused are permanent resident of Alibag City. Considering the allegations in FIR and the charge-sheet filed and nature of allegations I find it a fit case to grant bail and hence following order.

### **ORDER**

1. The application is allowed.
3. The accused/applicant **Prajakta Pramod Dhivare and Uttam Budhaji Dhivare** in connection with C.R.No.102/2023 registered by Alibag Police Station, for the offence punishable under Section 500, 501 r/w.34 of Indian Penal Code and Section 3(1)(q) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are directed to be released on bail

on executing P.R. bond of Rs.20,000/- each with one surety of like amount on following conditions ;

- i) They shall not repeat the crime.
- ii) They shall not tamper the prosecution evidence.
- iii) They shall attend the Court regularly.

Alibag.  
Date : 15/07/2023.

( A. Y. Thatte)  
Special Judge, Alibag-Raigad.