

	<p><b><u>: ORDER BELOW EXH.3 IN SPECIAL CASE</u></b> <b><u>NO.38/2023 :</u></b> <b><u>(CNR No. MHRG15-000488-2023)</u></b> (Passed on 09.02.2024)</p>
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1) The present application is filed by applicant/accused under section 439 of Cr.P.C. for regular bail, in respect of Crime No.159/2023, registered with Mahad City police station for the offence punishable under section 354, 509, 352, 323, 504, 506 r/w. section 34 of Indian Penal Code and section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2) The applicant/accused contended that he has not committed any offence. He is falsely implicated in the offence. He is permanently residing at the address, mentioned in the cause title of application.

3) He further contended that offence is registered against him on the basis of report lodged by informant Tushar Suresh Aathavale, wherein he has alleged that his wife had taken loan from Janakalyan Sahakari Patsansta. The applicant is Manager of said Patasantha. On 29.05.2023 the informant and his wife had gone to said Patasantha for their work in respect of their loan account. At that time applicant and another employee of said Patasantha Sudhir Parshuram Mahadik have abused him and his wife. They outraged modesty of his wife and assaulted her with fist blows. They pushed her outside bank. The applicant also abused him on his caste.

4) He further contended that he had preferred anticipatory bail application before this Court bearing Criminal Misc. Application No.127/2023. This Court vide its order dated 19.08.2023, passed in Criminal Misc. Application No.127/2023, had released him on anticipatory bail. The Investigating Officer has completed the investigation and has filed charge-sheet against him. Therefore, nothing is to be recovered or discovered at his instance and prayed that he may be released on regular bail.

5) Ld. A.P.P. filed his say at Exh.8. He contended that the offence is serious in nature. There are eye-witnesses to the incident and if the applicant is released on regular bail, there are chances that he may pressurize the witnesses and tamper the evidence of prosecution. He prayed that the application be rejected.

6) The notice was issued to informant. Informant appeared and filed his say at Exh.8. He had opposed the bail application of applicant and prayed that the application be rejected.

7) Heard Ld. advocates appearing for parties.

8) On perusal of material available on record, it appears that the applicant was released on anticipatory bail by this Court vide order dated 19.08.2023, passed in Criminal Misc. Application No.127/2023. The applicant was already released on anticipatory bail by this Court. The Investigating Officer has completed the investigation and has filed charge-sheet against the applicant/accused. Therefore, nothing is to be recovered or

discovered at his instance. Taking into consideration all the above facts, in my opinion, the applicant/accused can be released on regular bail by imposing appropriate conditions for his appearance at trial. Hence, I proceed to pass following order :-

**: O R D E R :**

- 1) The application is allowed.
- 2) The applicant/accused **Atmaram @ Vikas Yashwant Saundalgekar** be released on regular bail in **Crime No.159/2023** registered at Mahad City Police Station, for the offence punishable under section 354, 509, 352, 323, 504, 506 r/w. section 34 of Indian Penal Code and section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on his executing P.B. of **Rs.55,000/-** (Rs. Fifty five thousand only), with solvent surety in like amount.
- 3) The applicant shall not pressurize the witnesses or tamper the evidence of prosecution.
- 4) The applicant shall attend the hearing regularly.
- 5) Violation of any condition will entail for cancellation of bail.

(Dictated and pronounced in open Court)

Mangaon.  
Date : 09.02.2024.

Sd/-  
(H. K. Bhalerao)  
Special Judge, Mangaon  
Dist. Raigad