



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 innocent and falsely implicated in the offence. He is permanently residing at the address, mentioned in the title clause of the application.

3) He further contended that the present 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 employee 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. They told the Branch Manager that they intend to discuss important issue with him and the applicant should go out of cabin, on which the applicant got angry and abused him on his caste. The applicant assaulted them and also outraged modesty of his wife. They pushed her outside the bank.

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4) He further contended that the Investigating Officer has completed the investigation and 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. The applicant had abused the informant on his caste and has also assaulted him and his wife. 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 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. The Investigating Officer had not arrested the applicant in the course of investigation. The applicant also belongs to Scheduled Caste. Therefore, the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, are not attracted to him. Therefore, 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 **Sudhir Parshuram Mahadik** 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 PB. 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