

**IN THE COURT OF JUDGE, SPECIAL COURT,
RATNAGIRI.**

Special Case No. 12/2025
CNR No. MHRT010002322025

The State

Prosecution

Vs.

Pratap Sudam Kambale etc. 3

Accused.

Order below Exh. 5.
(Dated 14.05.2025.)

1. Applicants/accused Nos. 1 to 3 have filed this bail application in connection with C.R. No. 44/2025 of Ratnagiri city Police Station, under Section 132, 118(1), 115(2), 352, 351(2), 3(5) of B.N.S. and 3(1)(r)(s), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 2015.

2. The prosecution case is as under.

Complainant is working as Jr. Clerk in Government Boys Hostel. On 26.01.2025 at 5.45 p.m. while he was doing his work in room No. 4 of said hostel accused Nos. 1 to 3 came in a four wheeler. Accused No.1 Pratap Kambale asked him why you are sending messages to Desai Madam and on that count he gave blow of wooden log to him. Accused No.2 Sanket Kambale gave abuses to him and alleged that due to him and Swapnil Pawar he has been terminated from services by the superior and on that count he gave kick blow on the private part of complainant. Accused Shubham Padalkar abused him on caste and alleged that he become arrogant and he will teach him lesson (ए म्हारड्या तुझ्या अंगात जाम मस्ती आहे तुझा माज आज

उत्तरवित्तो) and gave kick blow on private part of complainant and made video recording on his mobile phone of said incident of assault. While leaving that spot all these accused threatened that if complainant will file complaint with police they will ask Desai Madam to lodge false complaint against him or otherwise they will kill him and beat him up similarly and would make its video viral. They further threatened that they are also going to beat Deepak Ghate, Swapnil and Amol. Hence on the complaint of complainant this offence came to be registered.

3. Advocate for applicants in his argument stated that against accused Nos. 1 and 2 there are allegations of bailable offence. Against accused No.3 there is allegation of non bailable offence under Section 3(1)(r)(s) of SC & ST Act. Accused No.3 already got anticipatory bail in Section 3(1)(r)(s) of SC & ST Act. Accused are government servant. Therefore, there is no question of fleeing away from justice. They are ready to abide conditions of bail. Hence, bail may be granted to them.

4. Ld. DGP and complainant in their say strongly opposed this application. Ld. DGP in his argument stated that bail application under Section 439 is maintainable only if accused are in custody. Here accused are not in custody. Hence, their bail application is not maintainable. Provisions of Section 3(2)(va) of SC & ST Act is applicable against all accused. Complainant in his say to this application informed that there is threat to his life from accused persons. Accused failed to explain the reason for making assault on him. Thus, they caused injustice to him. Therefore, this application may be rejected.

5. In this case after receipt of notice under section 41 of Cr.P.C. accused voluntarily appeared before the Court. Some charges levelled against them are of bailable offences and some are of non bailable offences. Investigation is completed and charge-sheet has been filed. This Court is Trial Court. Hence, under Section 437 of Cr.P.C. also it has power to grant bail to these accused. Therefore, I pass following order.

ORDER

1. Application Exh. 5 is allowed.
2. The applicants / Accused No.1 Pratap Sudam Kambale, No.2 Sanket Sangam Kambale and No.3 Shubham Dilip Padalkar be released on bail in Crime No. 44/2025 of Ratnagiri City police station; for the offences punishable under Sections 132, 118(1), 115(2), 352, 351(2), 3(5) of B.N.S. and 3(1)(r)(s), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 on executing P.R. Bond of Rs. 25,000/- each with one or two sureties, in the like amount each.
3. The applicants shall not tamper the prosecution witnesses and evidence.
4. Inform the concerned accordingly.

Date: 14.05.2025

(S. S. Gosavi).
Judge, Special Court, Ratnagiri.