

MHRT010009342024



IN THE COURT OF SESSIONS JUDGE, RATNAGIRI

(Presided over by S. S. Gosavi, Sessions Judge, Ratnagiri)

SPECIAL CASE NO. 27 OF 2024.

State of Maharashtra,

Prosecution.

Versus

Accused no.3 Pralhad Prakash Salunke
Accused no.4 Abhijeet Suresh Waghadhare
Accused no.5 Raju Kamaleshwar More

Accused.

Order Below Exh.5

(Dictated and delivered in open Court on 18/02/2025)

1. Applicants – above said accused filed this bail application U/Sec. 483 of B.N.S.S. for grant of regular bail in Crime No.22/2024 of Lanja Police Station; for the offences punishable under Sections 143, 144, 147, 148, 149, 324, 341, 385, 327, 504, 506 of IPC and under section 3(1)(r)(s), 3(2)(v), 3(2)(va) of SC/ST Prevention of Atrocity Act.

2. It is the prosecution case that, complainant Sandeep Jadhav purchased four cows from witness

Vitthal Shirsekar. He was transporting those cows by Bolero Pick Up Van belonging to witness Ajay Taral to his house at Satavali. At that time these three applicants along with other two formed an unlawfully assembly. They intercepted that vehicle by putting stones in the road. They asked about his caste. When he told that he is of Bouddha caste, accused abused him on his caste by saying महारड्या तुला किती महारडे वाचवायला येतात ते बघतो. Thereafter, they had abused and beaten complainant and prosecution witnesses by means of stick bamboo and caused injuries to them. They demanded Rs.1,00,000/- and Rs.50,000 from witness Vitthal Shirsekar else threatened to hand over in custody of police. Complainant and prosecution witness did not pay amount as per their demand hence they were again abused and beaten. Complainant lodged report and accordingly this offence came to be registered.

3. Accused no.1 and 2 filed Criminal Writ Petition WP 915/2024 before Hon'ble Bombay High Court, Mumbai for quashing FIR and it is still pending. In that matter on 19/03/2024 Hon'ble High Court passed order not to take coercive action. Thereafter in this matter charge-sheet came to be filed. Accused no.3 to 5 voluntarily appeared before this court with advocate and filed this bail application.

4. Advocate for accused in his argument stated that alleged incident happened on 23/01/2024. after lapse of more than one month complaint was after thoughtfully lodged about it on 28/02/2024. To give the counter blast to the complaint filed by accused against complainant for illegal transportation of cattle, this false case was registered. Applicants are not habitual offenders. After registration of his crime, no other case was registered. Therefore, the apprehension raised in the say to this bail application by prosecution is baseless. Applicants are ready to abide conditions of bail. Hence, they may be released on bail.

5. Ld. DGP in his argument stated that accused is in furtherance of their common object committed this crime. Charge-sheet is filed, but that is not change in circumstance. For investigation they were called by issuing notice under section 160 Cr.P.C., but they were not found in the house. Accused no.4 appeared only once on 05/06/2024, but did not give satisfactory answers. Accused no.3 and 5 never appeared before investigation officer. Custodial interrogation of applicants is necessary to hold TI parade of these accused, to seize weapons and vehicles used by them, obtain their caste certificates. There are no prima facie grounds to release them on bail. There is possibility of tampering prosecution witnesses and evidence and

repetition of crime. Hence, the application may be rejected.

6. Contents of FIR shows that out of those assailants, complainant identified only accused no.1 Abhishek Tendulkar. It is alleged that Abhishek Tendulkar and one person having beard were armed with sticks and they had beaten complainant. They allegedly gave abuses on caste to him. In the FIR, the allegations against them are non specific and vague. Cross complaints are filed by both the groups against each other. Charge-sheet has been filed. Considering the nature of offence and allegations, custodial interrogation of applicants is not necessary. Hence, I pass following order.

ORDER

1. Application is allowed.
2. The applicant / Accused no.3 Pralhad Prakash Salunke, accused no.4 Abhijeet Suresh Waghadhare, accused no.5 Raju Kamaleshwar More be released on bail in Crime No. 22/2024 of Lanja police station; for the offences punishable under Sections 143, 144, 147, 148, 149, 324, 341, 385, 327, 504, 506 of IPC and under section 3(1)(r)(s), 3(2)(v), 3(2)(va) of SC/ST Prevention of Atrocity Act on executing P.R. Bond of Rs. 25,000/- each with one or two sureties, in the like amount.

3. The applicants shall not tamper the prosecution witnesses and evidence.

4. Inform the concerned accordingly.

(S. S. Gosavi).

Date: 18.02.2025 Judge, Special Court, Ratnagiri.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Special Case No.27/2024
Name of Stenographer	:-	Sou. A.U.Sayyed.
Name of Court	:-	Judge, Special Court, Ratnagiri
Date of Dictation	:-	18/02/2025.
Order signed by the P.O. on	:-	18/02/2025.
Order uploaded on	:-	20/02/2025.