



Mahesh Haridas Hajare

Versus

The State of Maharashtra

A) Case Details :	
FIR Number and Date	336/2026
Police Station	Sangola Police Station
District	Solapur
State	Maharashtra
Sections Invoked	Sec.74, 351(2), 351(3), 352 of Bhartiya Nyaya Sanhita, 2023, Sec.3(1)(r), 3(1)(s), 3(1)(w)(i) of SC & ST (Prevention of Atrocities) Act, 1989.
Maximum punishment prescribed	Sec.74 of BNS - imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.

B) Custody and Procedural Compliance :	
Date of Arrest	Anticipatory
Total period of custody undergone	----

C) Status of Trial :	
State of proceedings (Investigation/ Chargesheet/ Cognizance/ Framing of Charges /Trial)	Anticipatory
Total number of witnesses cited in the charge-sheet	----

D) Criminal Antecedents :	
FIR No. and Police Station	NA
Sections	NA
Status (Pending/Acquitted/Convicted)	NA

E) Previous Bail Applications :	
Court	NA
Case No.	NA
Outcome of case	NA

F) Coercive Processes :	
Whether any Non-Bailable Warrant was issued	NA
Whether declared a proclaimed offender	NA

1 The Anticipatory bail application filed U/Sec.482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by applicant Mahesh Haridas Hajare who apprehends his arrest in Crime No.402/2026 registered against him with Sangola Police Station, for the offences punishable under Section 74, 351(2), 351(3), 352 of Bhartiya Nyaya Sanhita, 2023 (in short B.N.S.), Sec.3(1)(r), 3(1)(s), 3(1)(w)(i) of SC & ST (Prevention of Atrocities) Act, 1989.

2 The allegations of the informant in the report lodged with police are that accused taking disadvantage of his knowledge that husband of informant is not present in the house and visited her house and outraged her modesty, caught hold her hand and abused her on caste when she was working in the tin shed at about 8.00 p.m. The alleged incident was occurred on 07.05.2026 intimated by informant to her husband on 08.05.2026 and report came to be lodged on 09.05.2026,giving rise to registration of crime wherein present applicant who arrayed accused apprehends his arrest in the crime.

3 The applicant contended that he has not committed any crime but visited the house of informant to demand the borrowed loan amount therefore, they falsely implicated the accused in the present crime. It is specifically argued that the delay caused in lodging report is not explained and probability of false implication is highlighted on the submissions that if accused was having knowledge that husband of informant was not present in her house, then there was no reason to ask about husband to the informant as per the narration of conversation in between informant and accused. Learned Advocate for the accused further argued that the place of alleged incident is a tin shed to which public view is not possible and therefore, Sec.3 of SC/ST Act attracted in the crime could not be prima facie made out against the accused. In submissions of Learned Advocate custodial interrogation of applicant accused is not necessary.

4 Investigating officer and learned AGP opposed bail application on the basis of say filed for the stated reason that applicant accused has participated in the crime. The residents of informant and accused of the same village may gave rise to any other crime if applicant is released on bail. The informant opposed the bail application in her say file on the

ground of possibility of repetition of offence and injury and harm possibly may caused at the instance of accused if he is not arrested in the crime.

5 The Learned APP in reply to the submissions that Sec.3 of SC/ST Act is prima facie not made out in the crime submitted that as per the statement recorded of the informant before Magistrate under Sec.183 of B.N.S.S. 2023 it is disclosed by informant that her son was present in the house and he has witnessed the incident therefore, submissions of Learned Advocate that incident as alleged do not made out the public view as expected to attract Sec.3 of SC/ST Act.

6 The highlighted part of Learned APP is criminal antecedent of the applicant accused as informant appeared file say and produced documents i.e. order in Cr. Bail Application No.120/2025 in Crime No.34/2025 registered with Sangola police station on dated 10.03.2025 accused was released on bail for commission of similar nature of crime i.e. outrage of modesty. The informant raised concerned in her affidavit that applicant accused is high handed person having political background and that herself and her family members have been threatened by the accused and his associates, therefore, informant prayed not to grant bail to the accused.

7 Read application, say filed, heard both sides. Concern of investigating agency and informant has to be look into from the point of view of right of applicant / accused for protection of anticipatory bail and and scope and jurisdiction of this Court to grant bail within scope of Sec.482 of BNSS. It is mandatory to look into whether apprehension of arrest is based on concrete fact relating to the offence, its gravity and seriousness. The Court has to consider role attributed to the applicant, in

this view of the matter, the alleged offence is in regard of modesty of woman and abuses on caste occurred within public view with bar of Sec.18 of SC/ST Act. In this regard Learned Advocate has relied on reported judgment in case of **Kausalyabai Bhujangrao Telang Vs.State of Maharashtra, 2026 ALL MR (Cri) 1093**, wherein Hon'ble High Court Aurangabad Bench had granted anticipatory bail to the accused against whom offence under Sec.3 of SC/ST Act was alleged to have committed. The Hon'ble High Court on consideration of landmark judgment on the point specifically the legal aspect, a view of Full Bench of Rajasthan High Court in case of Virendra Singh Vs.State of Rajasthan [2000 Cri.Law Journal 2899] : [2000 ALL MR (Crii) JOURNAL 196], *the Full Bench of the Rajasthan High Court held that it must be borne in mind that if a person is even alleged to have committed an offence under the S.C./S.T. Act, 1989, the intention of Section 18 is clearly to debar him from seeking the remedy of anticipatory bail. It is only in circumstances where there is absolutely no material to infer why Section 3 has been applied to implicate a person for an offence under the Act of 1989 that the courts would be justified, within a very limited sphere, in examining whether the application can be rejected on the ground of its maintainability. It is further held that any other interpretation would go against the letter and spirit of the clear provision of Section 18 of the Act of 1989 which has already stood the test of reasonableness and constitutional validity up to the level of the Apex Court.*

8 The Hon'ble High Court in given facts of the case before it has granted anticipatory bail on the findings that custodial interrogation of the accused was not required for required of the bond under Sec.27 of the Evidence Act.

9 In this view of the matter, even if the bar of Sec.18 of the SC and ST Act, is taken into consideration necessity for custodial interrogation is not pointed out by the prosecution in given facts and circumstances of the crime. Prima facie, I found substance in the argument advanced by Learned Advocate for the accused as to the applicability of Sec.3 of SC/ST Act, however, this is not the case to decide finally but this is helpful for the applicant in support of his application for anticipatory bail. Merits of the trial will decide the same on appreciation of the evidence. At this stage, prima facie case for grant of anticipatory bail to the accused is made on merits. The earlier offence registered against the accused of similar nature in itself will not be sufficient to curtail the liberty of the applicant as he was released on bail in that offence and in present application necessity for custodial interrogation if not made out, it is not just and proper to curtail the liberty of applicant. Hence, following order.

ORDER

- 1 The Anticipatory bail application No.336/2026 is allowed.
- 2 In the event of arrest, the applicant/accused Mahesh Haridas Hajare be released on bail in crime No.402/2026 registered with Sangola Police Station Sangola for the offences punishable under Section 74, 351(2), 351(3), 352 of Bhartiya Nyaya Sanhita, 2023 and Sec.3(1)(r), 3(1)(s), 3(1)(w)(i) of SC & ST (Prevention of Atrocities) Act, 1989 on execution of personal bond of Rs.50,000/- with surety of like amount subject to conditions that :
- 3 Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the court or to any police official.

- 4 Applicant shall co-operate the investigating agencies in further investigation of the crime.
- 5 The applicant shall remain present before Investigating Officer of concerned Police Station between 01.00 p.m., to 03.00 p.m., on each alternate day, in total 8-days from tomorrow.
- 6 The applicant shall maintain diary of presence in police station and shall obtain seal and signature of concern Investigating Officer.
- 7 Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
- 8 Inform to the concern police station.
- 9 Humdast allowed.

Date : 18.06.2026

(Smt.T. G. Mitkari)
Special Judge (Atrocities) Pandharpur

CERTIFICATE

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

Name of Stenographer : SAB shaikh,
Stenographer (Grade-1)

Court : District Court-1 & Additional Sessions
Court, Pandharpur

Date : 18.06.2026

Order signed by the Presiding : 18.06.2026
Officer on

Order uploaded on : 18.06.2026