

IN THE COURT OF ADDL. SESSIONS JUDGE, PANDHARPUR
Order Below Exh.1 in Criminal Bail Application No. 368/2026

Umesh Prakash Tokale

... Applicant/accused

Vs.

The State of Maharashtra
(Through Police Station Officer
Sangola Police Station vide
C.R. No. 431/2026)

... Respondent/State

Appearance

Mr. S. S. Lendave, Ld. Advocate for the applicant / accused

Mr. S. S. Dulange, Ld. APP for the Respondent / State

Mr. Mahesh Kasabe Ld. Advocate for informant.

(ORAL ORDER)

(Dictated and pronounced in the open Court)

01. This is an application filed by applicant/accused for grant of regular bail u/s 483 of BNSS, for releasing him in connection of crime No. 431/2026 registered at Sangola P. S. for the offence punishable under sections 78, 118(1), 189 (2), 191(2)(3), 190, 351(2)(3), 352 of BNS, u/s 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and section 12 of POCSO Act.

02. The applicant/accused submitted that, he has not committed any crime. He has been falsely implicated in this crime. Investigation is completed. There is inordinate and unexplained delay in

lodging the report. Applicant/accused is ready to abide all the terms and conditions imposed by the Court. Hence, applicant/accused prayed for grant of regular bail in said crime.

03. The Ld. APP submitted say at Exh. 6 and resisted the application on the ground that offence is serious in nature and punishable up to 5 years imprisonment. The accused No. 8 was arrested on 25.05.2026. Sticks and pipes used by the accused in crime are seized from the spot of incident. The accused and informant reside in same vicinity. If bail is granted to applicant/accused, then he will tamper prosecution witnesses. Lastly APP prayed for rejection of application.

04. The I.O. has filed say at Exh. 7 and resisted the application on the ground that, alleged offence is registered under Atrocities Act and it is against minor victim girl. There is possibility of threatening to witnesses at the instance of accused. The investigation is in progress. Lastly the I.O. prayed for rejection of bail application.

05. Informant also appeared through advocate and filed affidavit Exh. 10 and resisted application on the ground that there is danger to the life of informant and victim from the accused. Accused may pressurize witnesses, if bail is granted. Lastly informant prayed for rejection of application.

06. Heard Ld. Advocate Shri. Lendave for applicant/accused and Ld. APP Shri. Dulange for state, at length. I also heard Ld. Adv. Shri. Kasabe for informant, at length.

07. Perused contents of application and say filed by APP, I.O. and informant.

08. By this application the applicant prayed for grant of regular bail. Ld. APP and I.O. objected application. I have gone through the FIR. The name of applicant is mentioned as accused No. 8. Allegations levelled against applicant/accused is that, he abused and threatened to kill informant. He also assaulted informant and his wife and grandson by means of plastic pipe. As per FIR, incident occurred on 15.05.2026. FIR lodged on 16.05.2026. There is delay of one day in lodging the report, which is not explained. The allegations levelled against the applicant/accused are about assault by plastic pipe. The report of I.O. shows that, I.O. seized two plastic pipes and two sticks from the spot of incident. The report of Ld. APP shows that, the I.O. drawn spot panchnama, seized weapons also, collected caste certificate of informant and recorded statements of witnesses. Nothing is remained to be seized from possession of applicant/accused. Practically investigation is completed. Therefore, applicant/accused is entitled for grant of regular bail.

09. In present case, the I.O. has invoked provisions of Atrocities Act and POCSO Act. In FIR, there are no allegations against applicant/accused that, he abused complainant and witnesses on caste. So also there are no allegations against applicant/accused about sexual harassment. Therefore, provisions of Atrocities Act and POCSO Act do not apply against the applicant/accused.

10. In present case, applicant is permanent resident of Hangirage, Tal. Sangola, Dist. Solapur. He is not having any criminal antecedent. He is ready to abide all the terms and conditions imposed by the Court. Alleged offence is punishable up to imprisonment for 5 years. It means it is not punishable up to imprisonment for life or death. Therefore, bail can be granted to the applicant/accused.

11. In present case, the accused is in custody from 25.05.2026. It will take time to commence hearing of case. The accused cannot be detained in custody for indefinite period. If accused is kept in custody, then it will amount to pre trial conviction. No purpose will be served by keeping him behind bar. He is not having any criminal antecedent. Therefore, he can be granted regular bail on conditions.

12. Considering the nature of offence and role played by the accused in the crime, I am of the view that, the accused/applicant is entitled for regular bail. Hence, applications needs to be allowed. Thus I pass following order.

ORDER

1. Criminal Bail Application No. 368/2026 is allowed.
2. Applicant/accused namely Umesh Prakash Tokale, resident of Hangirage, Tq. Sangola, Dist. Solapur, is ordered to be released on regular bail on furnishing P. B. of Rs. 25,000/- with one surety of like amount, in connection with C.R.No. 431/2026 registered with Sangola police station for the offence punishable under Sec. 78, 118(1), 189 (2), 191(2)(3), 190, 351(2)(3), 352 of BNS, u/s 3(1) (r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled

Tribes (Prevention of Atrocities) Act, 1989 and u/s 12 of POCSO Act, on following conditions :-

- a) Applicant/accused and his sureties shall provide his residential addresses, mobile number and email address, if any to investigation officer. Applicant/accused shall intimate any such change in address or telephone number and Email ID forthwith.
 - b) Applicant/accused shall not, directly; or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade them from disclosing such facts to the Court or to any police officer.
 - c) Applicant/accused shall not leave India without the previous permission of this Court.
 - d) Applicant/accused shall attend the concerned police station once in a week i.e. on every Sunday in between 11.00 a.m. to 1.00 p.m. till filing of charge-sheet.
 - e) Applicant/accused shall not tamper with the prosecution witnesses and evidence in any manner.
3. Breach of any conditions by applicant/accused shall result in cancellation of regular bail.
 4. Bail Application No. 368 of 2026 is disposed off accordingly.
 5. Bail be furnished before this Court.

(A. S. Salgar)
Additional Sessions Judge, Pandharpur

Date : 20.06.2026

CERTIFICATE

I affirm that, the contents of this PDF file are same word to word as per the original.

01. Name of the Stenographer - Santosh Vilas Ghongade.
02. Name of the Court - Court of Dist. Judge 03,
Pandhapur.
03. Order/judgment signed by P.O. - 20.06.2026.
on
04. Order /Judgment uploaded on - 20.06.2026.