

MHST010012412022



Presented on : 19.07.2022
Decided on : 10.10.2022
Duration : Ys. Ms. Ds.
00 00 08

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA
AT SATARA**

(Presided over by S.R. Salkute, Additional Sessions Judge, Satara)

Special (Atrocity) Case No. 75 of 2022
(CNR – MHST01-001241-2022)

Nitin Pandurang Sodmise.

Age : 33 yrs. Occup.: Labour,
R/o.: 154, Chuna Galli, Raviwar Peth,
Satara.Tal. Dist. Satara.

...Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Satara City Police Station
Tal. Dist. Satara.

... Opponent

Appearance :

APP for State : Shri. M. H. Oak.
Advocate for accused : Shri. M. R. Gore.

**(Application under Section 439 of the Code of Criminal
Procedure, 1973)**

ORDER BELOW EXH.3
(Passed on 10th October, 2022)

1] This is an application moved by applicant/accused **Nitin Pandurang Sodmise** under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in C.R.No. 112/2022 for the offences punishable under Sections 307, 385, 323, 504, 506 r/w. 34 of the Indian Penal Code, 1860 (In short, "IPC") and Section 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (In short, "SCST Atrocity Act) registered with Satara City Police Station, Satara.

Grounds for bail :

2] It is alleged that the applicant is unnecessary implicated in the crime and he is in jail since 25.02.2022. According to him, the charge-sheet is filed. He is innocent person and have no concern with the offence and there is no evidence against the applicant. He submitted that he is doing labour work and maintaining his widow mother. He is permanent resident of Satara. He will abide by the conditions of the Court.

Reply by APP :

3] At Exh. 6, APP filed say that on 09.09.2022 at 11.00 p.m, the accused demanded ransom of Rs.3,000/- from the informant and on his refusal, he abused in caste based language

and gave slap and pushed to the informant in Chunna Bhatti due to which the informant sustained 9% burn injury. It is contended that the applicant is a habitual criminal at Lonar Galli and nine crimes have been registered against him. It is alleged that if the accused is released on bail then he may pressurize to the witnesses.

Reply by Complainant :

4] At Exh. 8, the original complainant has filed reply that he is a student and accused is known Gunda of the area and there is fear to his family.

Hearing :

5] I heard to the counsel for applicant. He submitted that since last seven months the accused is in jail and charge-sheet is already filed. According to him, the offence under Section 307 is not made out.

The victim orally submitted that he is already filed reply and accused shall not be released on bail.

Reasons :

6] I perused the charge-sheet. The complainant Samadhan lodged report on 10.02.2022 at 16.52 hrs. that on 09.02.2022 alleged incident occurred. He alleges that he belongs to Matang Scheduled Tribes community. He was residing at

Dhaigude Career Academy, Lonar Galli, Satara and paid Rs.5,000/- as hostel fees. The girls attending to the said academy to whom the accused were teasing therefore the complainant Samadhan is informed to the Director of the Dhaigude Career Academy on the said basis and in January 2021. The accused hotly talked with the complainant but the people from the locality cool down the matter.

7] On 09.02.2022, the complainant Samadhan More went to the house of his cousin Gautam More by Motorcycle No. MH-50/F-8815 at village Saidapur and at 10.45 p.m. he reached to the academy. When he was parking his motorcycle the accused Nitin reached there and tried to snatch a key of the motorcycle and also asked to give him Rs.3,000/- for the purpose of party. When the complainant denied then the accused uttered words, "तुझ्या आईला घोडा लावला, तुला महारा मस्ती आली, आता तुला चुनाभट्टीतच बुडवतो " and gave slap to him and pushed him in the Chuna Bhatti. Therefore, right hand wrist and other portion of the hand was burnt and he caused injuries.

8] The learned APP for State present and he submitted that though the injuries which were caused due to Chuna Bhatti might not be sufficient for death however as the victim and accused are neighbourer therefore, there is probability the accused may tamper with the witness and pressurize them.

9] From the perusal of charge-sheet, it appears that the

spot panchanama was prepared. The medical certificate is also collected. In the medical certificate 9% burn was found. The certificate regarding taking education at the academy is also collected by the police. The caste certificate were also collected. The statement of Sunita Dhone who is owner of Chuna Bhatti was recorded wherein, she stated that victim was injured due to hot Chuna. The statement of Shrinath Dhone is also recorded. Thus, from the above documents, it clearly reveals that the assault was caused due to Chuna from Chuna Bhatti and 9% was burn injuries caused to the victim.

Though the APP stated that the accused have criminal antecedents but considering the circumstances of the crime in my view the trial will required a time. In my view, it is necessary to release the accused on bail however the conditions are necessary.

10] The complaint has not moved application under Section 10(8) of SC/ST Atrocity Act.

11] The audio system is not available in this Court. Hence, I proceed to pass the following order.

ORDER

1. The application Exh. 3 is allowed.
2. The applicant/accused Nitin Pandurang Sodmise be

released on furnishing P.R. of Rs.25,000/- with one or more sureties of like amount in Crime No.112/2022 for the offences punishable under Sections 307, 385, 323, 504, 506 r/w. 34 of the Indian Penal Code, 1860 and Section 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered with Satara City Police Station, Satara on following conditions :

- (a) The applicant shall not tamper with prosecution evidence.
- (b) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation, so as to dissuade them from disclosing such facts to the Court or to any Police Officer.

Satara

Date : 10th October 2022

(Sanjay R. Salkute)

Addl. Sessions Judge Satara.

Dictated On	10-10-2022
Transcribed On	10-10-2022
Checked On	10-10-2022
Signed On	10-10-2022

Satara

Date : 10th October 2022

(Sanjay R. Salkute)

Addl. Sessions Judge Satara.