

Atro.Spl. Case No.40/2026
State v. Yash Tomar
MHWS010005242026

Order below Exh.5.

The applicant/accused Yash Gajanan Tomar has filed present application for grant of regular bail under Section 483 of BNSS, 2023 in crime No.198/2026 for the offence punishable under Sections 103(1) of Bhartiya Nyaya Sanhita and section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered with Police Station Washim City, Tq. Dist. Washim.

2. Heard learned advocate for the applicant/accused and learned APP for the State. Perused the record.

3. The learned advocate for applicant/accused submitted that the incident happened on 09/02/2026 and report has lodged on 10/02/2026. Said delay has not been explained in the alleged FIR. The applicant is arrested on 10/02/2026 and now he is in jail. No any weapon has not been seized or recovered from the present applicant/accused. It is further submitted that FIR is lodged against unknown persons. The allegations are the baseless. The applicant is falsely implicated in this crime. There is no direct or indirect evidence against this applicant. Charge sheet is filed. The applicant is ready to abide by all terms and conditions which is imposed by the Court. On these grounds, he prayed that applicant/accused be released on bail.

4. The learned APP objected the application vide Exh.09 on the ground that the applicant/accused and informant are resident of

same locality. If applicant/accused is released on bail, he may commit such type of offence again. There is also possibility that the accused may be absconding. Hence, prayed to reject the application.

5. The informant appeared and filed his say at Exh.14 and gave objection to the application. It is submitted that during investigation in the present crime, offence under section 3(2)(v) of SC and ST (Prevention of Atrocities) Act, 1989 came to be added. On perusal of charge sheet it is seen that the accused forced deceased Raju Tulshiram Kamble to drink alcohol and brutally murdered him. One Kundan Vinod Dawane witnessed the incident. Kundan Dawane specifically stated in his statement that in an anger, Yash picked up a stone from the ground with both hands and struck it on deceased Raju's head, due to which deceased Raju fell down and blood started oozing from his head. On perusal of postmortem report, it is clearly evident that the cause of death is head injury caused by assault. The offence is of serious nature and if the accused is granted regular bail, he will have no fear of the law and there is a strong possibility that he may commit such an offence again. Moreover, informant and accused are residing in Panchashil Nagar therefore, accused may pressurize the informant. On these grounds, informant prayed to reject the application.

6. After going through the record it appears that blood stains shoes is recovered from the mother of Kundan Vinod Dawane. The statement of Kundan Vinod Dawane shows that he is the eye witness and at the time of incident, he was present there. He specifically stated in his statement the name of present applicant which shows prima facie involvement of this applicant in this crime. Hence, considering these

facts and circumstances, the applicant is not entitled for bail. In the result, I pass following order.

ORDER

Application stands rejected.

Date : 06/06/2026

(V. D. Ingle)
Additional Sessions Judge,
Washim.

CERTIFICATE

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

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Smt.V.D.Ingle District Judge-2 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 06/06/2026
Judgment/Order signed by the Presiding Officer on	:- 06/06/2026
Judgment/Order uploaded on	:- 06/06/2026