

**IN THE COURT OF JUDICIAL MAGISTRATE (FIRST CLASS),
36TH COURT, MUMBAI CENTRAL, MUMBAI.**

B.A.No. :- 128/BA/2025.

C. R. No. :- 31/2025

Railway Police Station :- Churchgate

Punishable under section :- 309 (4) of the BNS

Name of the Accused :- Ankit Rambrijesh Sahani

Date :- 13/03/2025

ORDER BELOW BAIL APPLICATION

This is an application for bail moved by accused under section 480 of the B.N.S.S. in connection with C. R. No. 31/2025, registered with Churchgate Railway police station, for the offence punishable under section 309 (4) of the B.N.S..

2. It is contended that, accused has been falsely implicated by police in the present case and him arrested without any reason. The applicant is innocent and has not committed any crime as being alleged. The accused neither required for any custodial interrogation. The accused is having very good antecedents and there is no criminal case pending against the accused. The accused undertakes to co-operates with the police and not to tamper with evidence or witnesses in any manner. Hence prays for bail.

3. Read the application. Accordingly, say of Ld. Asst. P. P. and I.O. was called. I. O has filed his say and objected to the application on the grounds that the offence is serious in nature and accused is not permanent residents of Mumbai. If the accused is released on bail, he will abscond. Accused's identification parade is pending, and he will commit similar kind of offence. Ld. A. P. P. has submitted that say filed by I. O. may be considered.

4. Upon perusal of the case record and submissions

made, the following facts are considered that, the offence under Section 309(4) BNS is punishable with imprisonment which may extend to ten years but is not punishable with life imprisonment or death. The accused is in custody, and no concrete material has been placed on record to indicate that he would abscond if released on bail. Mere apprehension without supporting evidence is not sufficient to deny bail. The pendency of an Identification Parade cannot be a sole ground for denying bail, as the accused cannot be kept in custody indefinitely.

5. Considering the above circumstances and the fundamental right of the accused to liberty, further detention is not justified. However, to ensure the presence of the accused and prevent misuse of bail, stringent conditions are necessary. Hence, I pass the following order :-

ORDER

1. The Bail application No. 128 of 2025 is allowed and disposed of.
1. Accused viz. Ankit Rambrijesh Sahani be released on bail on his executing P. R. Bond of Rs.15,000/- (Fifteen Thousand) with surety of like amount.
2. Accused shall not tamper with the prosecution evidence and shall not hamper in the investigation and shall not make any inducement to the person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to police or to Court.
3. Accused shall attend the concern police station as and when required.
4. Accused shall co-operate investigation officer.
5. Accused shall submit authenticated copy of his address proof.
6. Accused shall not indulge himself in the same kind of offence

here-in-after.

7. Provisional cash bail of Rs. 15,000/- (Fifteen Thousand) is allowed for Four weeks.
8. Office to inform to the accused immediately. Issue letter to the Jail Authority accordingly.

sd/-

(B. K. Gawande)

Judicial Magistrate (First Class),
36th Court, Mumbai Central, Mumbai.

Date :- 13/03/2025.

ASS.