

BA 407/2026

: 1 :

ORDER

MHCC050023212026



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**

CRIMINAL BAIL APPLICATION NO. 407 OF 2026

IN

(C.R.No.351/2026 of Dindoshi Police Station)

Nilesh Lalman Mishra

]

Adult, Age: 20 years, Occ: Service

]

Residing at Room No.1, Pancham Mishra Tabela,]

Makranipada, Rani Sati Marg, Malad (East),]

Mumbai 400 097.

]

...Applicant/

Accused

Versus

The State of Maharashtra

]

(At the instance of Dindoshi Police Station)

]

...Respondent

Applicant/Accused

:

Ld. Advocate Shri. Sunil Shukla

Prosecution

:

Learned APP Shri. P. K. Mahajan

Intervener

:

Ld. Advocate Shri. Charoliya

**CORAM : H.H. ADDITIONAL SESSIONS JUDGE
SHRI Y. M. H. KHARADI
(COURT ROOM NO.04)**

Date : 12th May, 2026

:: ORDER ::

The applicant has filed this application for bail under Section 483 of The Bharatiya Nagarik Suraksha Sanhita 2023 in Crime No.351/2026 registered with Dindoshi Police Station for the offences punishable under Sections 109, 118(1), 115(2), 352 read with Section 3(5) of The Bharatiya Nyaya Sanhita 2023.

2. The brief contention of the applicant is that :-

As per prosecution story, informant alongiwith her family resides on the given address and from Milk business maintain their family. That the grandfather of informant had possessed agricultural land at Uttar Pradesh and that was tried to be sold by her uncle. That the grandfather also possessed the Tabela and it was given to his three sons for their business. That in respect of property, there is dispute between her father and uncle. That the uncle of informant told his father to remove his Tabela to construct industry for given it on rent, for that the father of informant refused as the property is under consideration for redevelopment and all heirs will get equal share. Therefore, the uncle of informant made clashes with her father.

3. That on 22.04.2026 the informant was doing cooking work at her house, at that time she learnt the shout, therefore she came out from the house and found that her uncle and her two cousin brothers abused and scuffled her brother and her uncle caught her brother. That due to scuffle her brother sustained injury at his hand. During that time, the applicant reached in the Tabela and brought the wooden bat and gave blow on the head of her brother therefore he failed down, when she

tried to rescue her brother, at that time her uncle and cousin brothers ran away. Thereafter, she called her brother and father and they brought the injured to hospital. But there is no such facility hence brought to Dr.Babasaheb Ambedkar Hospital Kandivali and doctor advised for operation, hence she lodged report. Accordingly, C.R.No.351/2026 was registered by Dindoshi Police Station.

4. That the applicant is law abiding citizen and he had no any criminal antecedents. That the applicant was falsely implicated in the crime. That the F.I.R was lodged due to some misunderstanding. That the F.I.R was lodged due to private and domestic dispute between close family members. That the applicant had fear of arrest. That the applicant is permanent resident of given address and he had no any previous criminal antecedents. That there is no recovery and discovery and there is no clear involvement of applicant. That the applicant was arrested on 23.04.2026, initially he was granted Police Custody thereafter he is in Magisterial Custody. Hence, prayed to allow the application.

5. Investigating Officer resisted the application contending that the offences triable by the Court of Sessions. If the applicant is released on bail, he will tamper the prosecution witnesses and flee from justice. Therefore, prayed to reject the application.

6. Informant appeared through her Advocate and filed affidavit contending that matter is amicably settled between her and applicant. Therefore, she has no grievance to grant bail.

7. Perused the application and say. Heard the Learned Advocates.
8. Learned Advocate for the applicant submitted that the applicant has no role and there is family dispute of only scuffling, but it was given the colour of serious offence. It is submitted that the informant has given No-Objection. That the applicant was arrested on 23.04.2026 and he is in custody. There is no recovery and discovery. Therefore, prayed to allow the application.
9. On behalf of intervener her Advocate submitted that the affidavit be considered as her submissions.
10. Per contra, Learned APP submitted that the offence under Section 109 is serious and triable by Court of Sessions. The affidavit itself shows that the evidence of prosecution was tampered. Therefore as the investigation is in progress, at this stage if bail is granted to the applicant, he will tamper the prosecution evidence. Therefore, prayed to reject the application.
11. Considering the F.I.R prima facie the offence alleged against the applicant is under Section 109 of The Bharatiya Nyaya Sanhita 2023 which is triable by Court of Sessions and punishment is 10 years and if hurt is caused, it is imprisonment for life. Prima facie from the affidavit of informant, it shows that after incident settlement was made between the parties, therefore informant has given No-Objection to grant bail to the applicant, but prima facie shows that the incident was happened and from the affidavit of informant it shows that the evidence of prosecution was tampered. Prima facie investigation is at preliminary

stage and in the F.I.R the role of applicant is main role and he has assaulted by wooden bat on the head of victim. Therefore, considering the seriousness of offence and prima facie the informant was tampered, in such circumstances, if the applicant is released on bail, the possibility of tampering other prosecution witnesses cannot be discarded and there is also possibility that the applicant will flee from justice and yet the investigation is not completed. Therefore, for the above reasons, in my view, the applicant is not entitled for bail. Hence, application is liable to be rejected. In the result, I pass the following order :-

ORDER

Criminal Bail Application No.407 of 2026 is hereby rejected and stands disposed off accordingly.

Date: 12.05.2026

(Y.M.H. Kharadi)
Additional Sessions Judge,
City Civil & Sessions Court,
Dindoshi, Borivali Division
Goregaon, Mumbai.

Directly Dictated on Computer on	:	12.05.2026
Checked and Signed on	:	12.05.2026

**CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”**

Date : 12.05.2026

Time : 03:30 P. M.

UPLOAD DATE AND TIME

Miss Mayuri Anil Manjrekar

(Stenographer Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)

HHJ Shri.Y.M.H. Kharadi
(Court Room No.04)

Date of Pronouncement of Judgment/Order

12.05.2026

Judgment/Order signed by P.O. on

12.05.2026

Judgment/Order uploaded on

12.05.2026