

MHTH150011062025

SPECIAL CASE NO. 78/2025



Shilpi @ Chhotu @ Jagannath
Sharma

Cri.Bail Appln.Exh.33

V/S.
STATE

ORDER BELOW EXHIBIT 33

Particulars :-

1. Prayer :- Regular bail.
2. Offence :- C.R.No. 31/2025
Section 109, 137(2), 3(5), 64 (2)(i), 64(2)(m) of BNS.
Section 4, 8 and 12 of POCSO Act.
Section 3, 25 of Arms Act.
3. Police Station :- Kelva Sagari.

Prosecution case :-

Another accused Dinesh has kidnapped victim from lawful guardianship of her parents, he took her to Raut Residency at Kelve, he attempted to murder her by firing bullet at her by his unlicensed pistol. Applicant has given unlicensed pistol to accused Dinesh.

4. Grounds in bail application :-

- a. Applicant is innocent.
- b. Falsely implicated.

- c. Name of applicant is not reflect in the FIR.
- d. There is no recovery from applicant.
- e. Alleged offences not made out.
- f. Investigation is complete and charge-sheet has been filed.
- g. There is no substantial evidence against the applicant.
- h. Applicant is having permanent address and there is no possibility of absconding.
- i. Applicant is ready to abide all conditions imposed by Court.

5. Say of Prosecution :- (Exh.35)

- a. Offence is serious.
- b. Accused Dinesh has attempted to murder victim by using unlicensed fire arm supplied by the applicant.
- c. Victim is still under going medical treatment, her senses below waist have not returned, she can not stand on her own.
- d. Applicant has provided country made pistol to accused Dinesh.
- e. Applicant will threaten victim and her relatives.

6. Argument :-

Heard rival sides.

7. Decision :-

There is bare allegation against the applicant that he has helped main accused Dinesh for purchasing unlicensed pistol. However, there is absolute absence of any clinching evidence to connect the present applicant for helping another accused Dinesh for purchasing unlicensed pistol. The FIR does not bear the name of the applicant. The allegation of help by the present applicant to main accused Dinesh appears to be based on surmises. The investigation of the crime is already completed. The applicant has not played any role in the crime of sexual or physical assault to the victim. It is would be harsh to keep the applicant in jail till conclusion of the trial, without having any cogent evidence against him. The applicant has made out the case for granting bail. Hence, I proceed to pass the following order.

ORDER

- 1 Application is allowed.
2. Accused shall be released on furnishing PR bond of Rs.30,000/- with one or two sureties in the like amount.
3. Accused shall not threaten witnesses and tamper the prosecution evidence.
4. Accused shall regularly attend the trial court unless exempted from personal appearance.

5. Accused shall submit updated contact number and residential address.

6 Bench Clerk to inform this order to the concerned.

Palghar

Date : 06/08/2026.

(S.N.Patil)

Addl. Sessions Judge, Palghar