

IN THE COURT OF DISTRICT JUDGE- 9 AND ADDITIONAL
SESSIONS JUDGE, PUNE.

CRIMINAL BAIL APPLICATION NO.1696/2026

Prashant Pradeep Andhale

Age 23 Years, Occu: Student,
R/at. Jirewadi, Koregaon,
Pathardi, Ahilyanagar – 414102.

Applicant.

Vs.

The State of Maharashtra

Through Bharati Vidyapeeth police station
Crime No. 119/2026

Respondent.

**CORAM : H. M. BHOSALE
DISTRICT JUDGE-09 AND ADDITIONAL
SESSIONS JUDGE, PUNE.**

DATE : 28/04/2026

ORDER

This is an application taken out by the applicant/accused **Prashant Pradeep Andhale** under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking pre-arrest bail in Crime No. 119/2026 registered with Bharati Vidyapeeth Police Station, Pune for the offences under sections 118(1) and (2), 115(2), 351(2), 352 read with 3(5) of Bhartiya Nyaya Sanhita, 2023 [For short ‘BNS’] and section 7 of the Criminal Amendment Act, 2013.

Brief Facts :-

2. It is the case of the prosecution that on 30/03/2026 around 12.30 a.m. the informant Rohit Deshmukh and his friend Nilesh Wagh were taking dinner in Sanju Baba Snack Hall near Sinhagad Campus. At that time, friend of the informant namely Niraj and one boy namely Bunty i.e. co-accused were quarreling outside the hotel. At that time, Niraj came towards the informant and told about dispute with Bunty. Thereafter, the informant tried to pacify the quarrel but the accused Bunty slapped him. Thereafter, accused Bunty called his friends Manya Padale, Prakash Aandhale i.e. the applicant/accused and one Shivam on the said spot. At that time, all of them have threatened the informant. The co-accused Bunty and Shivam assaulted him by leather belt. The co-accused Manya Padale inflicted blow by sharp-edged weapon on his head. At that time, this applicant/accused assaulted him by fists and kick blows. Thereafter, the accused Manya Padale created terror on the spot. Therefore, all the people were scattered and the hotel owners have closed their hotels. Thereafter, the informant and his friends in order to save themselves tried to run away from the spot but, the accused assaulted by stones to them.

3. Thereafter, Nilesh Wagh brought the informant at Bharati Hospital for treatment. Thereafter, the informant lodged the report against the applicant/accused and co-accused for the offence under

section 118(1)(2) of BNS, which is para-materia to section 326 of the Indian Penal Code [For short “IPC”].

4. Mr. Nikam, the learned advocate for the applicant/accused pressed the bail application on multiple grounds. The principal ground is the role attributed to the applicant/accused. The only alleged role attributed to the applicant/accused is that he assaulted by fist and kick blows. It is contended that the applicant/accused arraigned in view of one complaint lodged by him against the police constable of Bharati Vidyapeeth police station. There is a delay of 10 hours in lodging the FIR. There are no criminal antecedents against the applicant/accused. He is a student and pursuing MBA. There is no recovery at his instance. He is ready to abide all terms and conditions.

5. The learned APP Mr. Khan and investigation officer vide say resisted the application mainly on the ground that there is specific reference of name of the applicant/accused in the FIR. The offence is serious in nature. There is a possibility to commit identical offence and pressurize the injured and other witnesses. The applicant/accused has also abused one Nitin Salunkhe and accordingly non cognizable crime is registered against him. The investigation is in progress. Therefore, the application may be rejected.

6. Heard Mr. Nikam, the learned advocate for the accused and Mr. Khan, the learned APP for the State at length.

7. The points arise for determination along with findings and reasons thereon are as under .

Sr. No.	<u>POINTS</u>	<u>FINDINGS</u>
1	Whether the applicant/ accused has made out grounds to grant anticipatory bail ?	Yes
2	What order ?	.. The application is allowed.

REASONS

As to point No.1 :-

8. I have evaluated the facts of the case carefully and with meticulous precision, particularly, the allegations which have been directly attributed to the applicant/ accused.

9. The First Information Report [For short "FIR"] reveals that the alleged incident had taken place on intervening night on 30/03/2026 at 12.30 a.m. The informant has specifically stated first names of all the accused in FIR. This very fact shows that the informant was knowing all the accused. It is not a case of the informant that later on he came to know about names of the accused. The FIR further reveals that even he tried to convince the accused Bunty not to quarrel with his friend Niraj. He also stated specific name of this applicant/accused as Prakash Andhale in the FIR. The names of co-accused Manya Padale, Bunty, Shivam are specifically disclosed in the FIR itself.

10. Having regard to this recitals in FIR, the history stated by the injured before the Doctor during the treatment at Bharati Hospital is quite relevant. He has stated history of alleged assault on 30/03/2026 by unknown people with a blunt object around 2.30 a.m.

11. After analysis of the recitals in the FIR coupled with history stated by the informant, it follows that the alleged assault was by unknown people. Secondly, during alleged assault blunt object article was used and incident has taken place on 2.30 a.m.

12. This history stated by the informant to the doctor is completely inconsistent with recitals in FIR on three material aspects viz. 1) Names of assailants, 2) Time of the assault and 3) nature of the weapon.

13. The FIR states that assault was made by sharp-edged weapon, but in the history before the Doctor, it was blunt object. Secondly, as per the FIR, specific names of the accused are stated but in the history it is by unknown persons. The last but not least, as per the FIR, the alleged assault was made at 12.30 a.m. where as per the history, it was at 2.30 a.m.

14. To my mind, this material variance clearly goes to the root of the prosecution case.

15. Moving ahead, the FIR specifically states that the 04 persons i.e. accused Bunty, Shivam, Manya Padale and the applicant/accused Prakash Andhale were only persons at the time of assault and they assaulted the informant. However, in remand report dated 31/03/2026 and 01/04/2026, there are 03 additional names namely Aryan Karekar, Om Mohite, Suraj Gaikwad. These three boys are juvenile in conflict with law. It is mentioned that these three juvenile in conflict with law are also assailants and they were handed over in the custody of their parents. However, there is no reference at all about presence of these juvenile in conflict with law or their involvement in the alleged assault.

16. Besides it, the alleged role of this applicant/accused is only assault by fist and kick blows. The material on record indicates that the assault was primarily by co-accused Bunty and Manya Padale. The presence of the applicant/accused at the scene is only alongwith sweeping allegation that he assaulted by fist and kick blows.

17. It is not sufficient to believe the case of the informant in the light of aforesaid infirmities in the FIR and the medical certificate. There is no material to indicate that there was overt participation by this applicant/accused in the commission of the act.

18. To sum up, considering the nature of accusations qua the role of the applicant/accused coupled with the material discrepancies in the FIR and the medical certificate, this court find that no case for custodial interrogation of the applicant/accused is made out. His presence can be secured by imposing suitable conditions to ensure co-operation.

19. Mr. Nikam drew attention of this court to the documents on record, which demonstrates that this applicant/accused completed his degree of Bachelor in Engineering in first class. He is pursuing MBA. His examination schedule for the academic calendar 2025-26 shows that the same has been commenced with effect from 02/04/2026. The learned advocate pointed out that his next test is on 29/04/2026 i.e. tomorrow. His further examination concludes on 28/05/2026.

20. In the result, having considered bright academic career of the applicant/accused coupled with aforesaid reasons, I am of the considered view that it is a fit case to exercise discretion in favour of the applicant/accused. The principles governing grant of pre-arrest bail require the court to balance two competing interests: the need for a fair investigation on one hand, and the protection of individual liberty on the other.

21. As far as apprehension of the prosecution that accused may tamper with prosecution evidence/witnesses imposition of stringent

conditions will serve the purpose. It is needless to state that in case of breach of terms and conditions, it is open for the prosecution to move for cancellation of bail.

22. It is clarified that all the above observations are not on merit and restricted to adjudication of this bail application only. In turn, I answer point No.1 in the affirmative and pass the following order to answer point No.2.

ORDER

1	In the event of arrest of the applicant/ accused viz. Prashant Pradeep Andhale in connection with C.R. No.119/2026 registered with Bharati Vidyapeeth Police Station for the offences punishable under sections 118(1)(2), 115(2), 351(2), 352 read with 3(5) of Bhartiya Nyaya Sanhita, 2023 and section 7 of the Criminal Amendment Act, 2013, he shall be released on bail on his furnishing bail bonds in the sum of Rs.30,000/- with one or two sureties in the like amount, on the following conditions:-
	a] The applicant/accused shall make himself available for investigation as and when called by the Investigation Officer under written intimation or by any other permissible electronic mode of communication.
	b] The applicant/ accused shall not tamper with prosecution evidence in any manner.

	c] The applicant/ accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the such facts to the Court or to any police officer.
	d] The applicant/ accused shall not leave the Pune District without the previous permission of the Court.
	e] Any infraction of aforesaid conditions would entail into cancellation of bail.
	f] The applicant / accused shall provide uploaded copy of this order to the investigating officer.

Date:- 28.04.2026
Pune.

Sd/-
(H. M. Bhosale)
Additional Sessions Judge,
Pune.

CERTIFICATE

“ I affirm that the contents of the P. D.F. File order are same word for word as per original order. The original order is uploaded on 28/04/2026. The typographical spelling mistakes in para nos. 13 and 20 are corrected and order is re-uploaded today.”

Name of Steno	- Smt. P. P. Deo (Stenographer Grade-I)
Court Name	- Shri. H. M. Bhosale, District Judge-9, Pune.
Uploaded on	- 02/05/2026