

IN THE COURT OF SESSIONS JUDGE, AT PUNE.

(Before : Shri. A. K. Sharma)

Additional Sessions Judge, Pune.

CNR NO. MHPU010086032026	CRIMINAL BAIL APPLICATION NO. 4010/2026
	Dharmesh Jagdish Rathod
	Vs. State of Maharashtra
	Through P. S.O. P. S. Ambegaon
	in Crime No.308/2026

ORDER BELOW BAIL APPLICATION

(Passed on:10/08/2026)

{Table as per the Judgment of Hon'ble Supreme Court of India in Criminal Appeal No.825 of 2026 [Arising out of SLP (Cri.) No.12669 of 2025] Zeba Khan Vs. State of U.P and others, 2026 INSC 144.}

(A) Case Details :

FIR Number & Date	308/2026, dated 17/07/2026
Police Station, District and State	Ambegaon, District- Pune (Maharashtra)
Sections invoked	S.132, 121(2), 109(1), 351(2), 352, 49, 249(b), 3(5) of Bharatiya Nyaya Sanhita
Maximum punishment prescribed	Imprisonment for life for offence punishable under Sections 109(1) of BNS

(B) Custody & Procedural Compliance :

Date of Arrest	20/07/2026
Total period of custody undergone	Since date of arrest.

(C) Status of Trial :

Stage of proceeding (Investigation/Charge-sheet/Cognizance/Framing of Charges/Trial)	Investigation is going on
Total number of witnesses cited in the charge-sheet	Nil.
Number of prosecution witnesses examined	Nil.

(D) Criminal Antecedents :

FIR No. & Police Station	Nil.
Sections	Nil.
Status (pending/Acquitted/convicted)	Nil.

(E) Previous Bail Applications :

Court	Nil.
Case No.	Nil.
Outcome of case	Nil.

(F) Coercive Processes :

Whether any Non-Bailable Warrant was issued	No.
Whether declared a proclaimed offender	No.

The Application :

The applicant – **Dharmesh Jagdish Rathod** has moved present application for grant of regular bail vide Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS) in relation to the offence noted in the table above for which maximum punishment for offence under Section 109(1) of Bharatiya Nyaya Sanhita is life

Jurisdiction and Legal Framework :

2. This Court has jurisdiction to entertain an application for regular bail under section 483 of the BNSS.

Prerequisites factors for bail :

3. This Court has to consider the factors that generally guide in the exercise of discretion vide section 483 of the BNSS. The Court has to balance the presumption of innocence with the interest of justice and the integrity of the investigation.

Findings and the Present Case :

4. The informant lodged report alleging that on 17/07/2026, at about 05.30 p.m., the informant refused to execute the sale deed and therefore the accused persons in furtherance of their common intention have beaten him by kick and fist blows on his chest and also beaten by bamboo stick on his person and caused injury. Moreover, the accused Tushar Kapare strangled his throat and accused Yogesh Kapare caught hold his hands and therefore, the informant lodged report against accused, on the basis of said report, present crime has been registered.

5. Shri. Nilesh Yadav, learned counsel for the applicant/accused has submitted that the accused is innocent and has not committed any offence and he has no nexus with the present crime. It is further submitted that the names of the applicants are not mentioned in the FIR. Moreover, as per the say of IO, the absconding accused Yogesh Kapare used the Scorpio Car of the applicant. It is also submitted that the mobile phone was already seized and nothing remained to be seized or interrogated from the applicant/accused. Moreover, the injured is out of danger and discharged from the hospital. It is

lastly submitted that the applicant is ready to abide by each and every condition for his enlargement on regular bail. It is accordingly submitted that the application may kindly be allowed.

6. Per contra, Shri. C.S. Salvi, learned APP has strongly resisted instant application by relying on the say of the I.O. vide Exh.06 and submitted that the applicant has committed serious offence with other co-accused and the applicant has assisted the main accused Yogesh Kapare for commission of present crime. Investigating is in progress and there is every possibility that the applicant will hamper and tamper the prosecution witnesses, in case, he be enlarged on bail. It is accordingly submitted that the application is devoid of merits and liable to be rejected.

7. Having heard learned APP and learned counsel for the applicant/accused and having gone through the FIR and reply of the I.O. vide Exh.06, it needs to be observed at the threshold that the mobiles used by the accused in the present crime were already recovered. Moreover, there is no whisper in the say of IO that anything remained to be seized from the applicant. At the same time, IO has not stated that the accused is at flight risk. So also, it is not the contention of the IO or APP, that the informant is serious or still taking treatment. Moreover, the tenor of the FIR reveals that Tushar Kapare and Yogesh Kapare are the main accused in present crime and no specific role is attributed against the applicant/accused. In the light of this factual aspect, it appears that nothing remained to be seized or recovered from the applicant/accused.

8. Apart from the above, learned counsel for the applicant has submitted that the applicant is ready to abide by every condition for his

enlargement on bail. It is important to note that it will take a reasonable time for committal of the charge-sheet and conclusion of trial. At the same time, nothing remained to be recovered from the applicant and therefore his physical interrogation will not suffice the purpose of prosecution. As regard to the apprehension of learned APP and IO, that can be taken care of by imposing certain stringent conditions for enlargement of the applicant/accused on bail. With these observations, in the interest of justice, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. The applicant/accused be enlarged on bail on furnishing his P.B. and local solvent surety of Rs.50,000/- (Rupees Fifty Thousand Only)
3. The applicant/accused shall file his separate undertaking that he will not commit alike or any crime during bail.
4. The applicant/accused shall not enter into the vicinity where the informant is residing.
5. The applicant/accused shall not hamper or tamper with the prosecution witnesses in any way.
6. The applicant/accused shall not leave the jurisdiction of this court till culmination of trial.
7. The applicant/accused shall provide the residential proof, mobile numbers of his two relatives along-with their aadhar card while furnishing bail.
8. In case of breach of any of the above conditions, the prosecution is at liberty to file application for cancellation of bail granted to applicant/accused.

9. Bail before learned JMFC.
10. Dictated in open court.
11. **Directions for recordings and communication** The copy of this order shall be communicated to the concerned Yerawada Central Jail Authority for information of the accused and same be communicated to the learned APP immediately by e-mail.

Date:10/08/2026.

(A.K. Sharma)
Additional Sessions Judge, Pune.

CERTIFICATE

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

Name of the Steno	Smt. B.J.Khandre, Grade I
Court Name	(A. K. Sharma) Addl. Sessions Judge, Pune.
Date of order	10/08/2026
Order signed by the presiding officer on	10/08/2026
Order uploaded on	10/08/2026