

MHAU010048252026



ORDER BELOW EXH.1 IN CRI. BAIL APPLN. NO.1287/2026

(Upendra Haribhau Narwade Vs. State of Maharashtra)

1. Applicant/accused namely **Upendra Haribhau Narwade** has preferred present application for seeking regular bail under section 483 of B.N.S.S. concern with C.R. No.425/2026 registered with Satara Police Station in respect of offences punishable under section 74, 75, 76 and 352 of B.N.S.
2. **Fact of prosecution case is that,** on 23.06.2026 as per the report of victim (**xyz**) crime in question registered alleging that, applicant is brother of her husband and he reside adjacent to house of her. Sum and substance of FIR is that, on 18.06.2026 at about 12.00 noon informant was alone at her house and she was in sleeping mode, by using criminal force her gown torn by applicant with intend to outrage of her modesty and also sexually harass to her and also use criminal force on informant with intend to disrobed her. According to informant by doing so offence in question committed by applicant. Hence her report.
3. On the basis of report of victim crime in question is registered against the applicant. He came to be arrested on 24.06.2026, at present he is in magistrate custody. Hence this application for seeking regular bail.

4. It is contentions of applicant that, there is a dispute in between family of informant and him on account of ancestral property, informant quarreling with the wife of him on account of pretty reasons, there is delay in lodging FIR up to five days, no explanation about the same, no direct evidence against him, he is not possess any antecedent, he resides at caption address, no scope of his absconding, he is ready to abide any conditions put forth by court. By contending so he requested for allowing application in question.

5. Prosecution resisted to application by uploading its say vide O.W. No.2980/2026 dated 03.07.2026. It is contentions of prosecution that, offence is in serious nature and occurred against the woman, if relief in question allow in favour of applicant, then he will tamper the evidence of prosecution and its witnesses by pressurizing to them, informant and applicant resides adjacent to each other, there is a possibility of commission of similar crime again, he will abscond. By contending so prosecution requested for its rejection.

6. Read application and say. Perused the uploaded copy of documents on behalf of both parties and investigation papers placed on record for perusal. Heard counsel for applicant and Ld. APP Shri Shirsath for State at length.

7. During the course of argument counsel for the applicant has submitted that, applicant is a brother of husband of informant, there is a family dispute on account of ancestral property, applicant is falsely implicated without having any reason. He has further submitted that,

nothing is available to recover at the instance of applicant, investigation of crime is practically over. He has further submitted that, no capital punishment provided for alleged offences. He has further submitted that, applicant is ready to abide any conditions put forth by court. According to him further detention of applicant behind bar is unwarranted. By saying so he requested for allowing application in question.

8. Per contra learned APP Shri. Shirsath has submitted that, offence is in serious nature and occurred against women, day to day crimes like in nature are going to increase, applicant is relative of informant, no reason of false implication to him, he has further submitted that, on the day of alleged incident applicant entered in the house of informant and by using criminal force outraged her modesty coupled with sexual harassment to her. He has further submitted that, investigation is in progress, chargesheet is yet to be filed, if relief in question allow in favor of applicant, then hurdle will cause in the investigation. By saying so he requested for its rejection.

9. Considering the facts of prosecution case, rival submissions advanced on behalf of both and nature of application under consideration it is important to note here that, while dealing with application within the meaning of section 483 of B.N.S.S. it is necessary to see whether further detention of applicant/accused behind bar is imperative or not. Admittedly, applicant is a real brother of husband of informant. On the basis of set of allegations level in FIR their appears direct involvement of applicant in commission of crime. On the basis of set of allegations level

in FIR accusation can be said well founded against the applicant. To that extent I found substance in the submissions advanced on behalf of Ld. APP.

10. Though as discussed above on the basis of set of allegations accusation are well founded against the applicant. But as per say placed on record vide clause no.8 so called torn gown of informant is already reported seized. Consequently nothing can be said available to recover at the instance of applicant. Further upon perusal of investigation papers placed on record, it reveals that, concern with crime on 23.06.2026 itself spot panchanama seems to be drawn, on 24.06.2026 statement of Kavita Narwade, Vijay Narwade, Nitin Narwade, Rohini Mhaske seems to be recorded. That fact suggest that, job of recording statement of material witnesses is already over. Anyhow on the basis of material placed on record investigation of crime seems to be practically over. Hence I found substance in the submission advanced on behalf of applicant.

11. As regards quantum of punishment provided for alleged offences is concern, for offence punishable under section 74 of B.N.S. punishment is provided not less than one year, for offence punishable under section 75 of B.N.S. rigorous imprisonment is provided which may extend to three years, for offence punishable under section 76 of B.N.S. punishment is provided not less than three years but which may extend to seven years and section 352 of B.N.S. punishment is provided which may extend to two years. **Anyhow**, for alleged offences quantum of punishment is not provided exceeding seven years. Taking into consideration above

said facts, I found substance in the submission advanced on behalf of applicant.

12. As discuss above, though on the basis of set of allegations level in FIR accusation are well founded against the applicant. But as per say placed on record so called property involved in the crime is already reported seized. On the basis of material placed on record by prosecution itself job of recording statement of material witnesses is already over, consequently no scope can be said available to applicant for tampering or pressurizing to prosecution witnesses. On the basis of material placed on record, investigation of crime seems to be practically over. Whatever ground put forth by prosecution for refusing relief appears to be vague and general in nature and are not demonstrate as to for what purpose further detention of applicant behind bar is imperative and imperative in nature. Further in number of cases it has been observed by the Hon'ble Supreme Court that, **bail is a rule and jail is an exception**. Nothing is placed on record from the side of prosecution that, bail application was preferred by applicant before the Hon'ble High Court and that turn into refusal. Nothing is placed on record that, applicant is not possessed any history of criminal. Their appears no scope to applicant flee away from judicial process. By clubbing all above said facts, quantum of punishment provided for alleged offences and with the help of principle of bail laid down by the Hon'ble Supreme Court further detention of applicant behind bar does not seems to be imperative. Consequently case is made out in favour of applicant for seeking regular bail as requested under application. Hence this court inclined to allow application in question. As

regards apprehension put forth by learned APP is concern, that can be care by imposing **stringent** conditions on applicant. With this I proceed to pass following order :

ORDER

- 1) Application Exh.1 is hereby allowed.
- 2) Applicant **Upendra Haibhau Narwade** shall be released on furnishing **one solvent surety of Rs.60,000/-** and PR bond like amount concern with CR. No.425/2026 registered with Satara Police Station in respect of offence punishable under section 74, 75, 76 and 352 of the B. N. S. subject to following conditions :
 - i) Applicant shall remain present at Satara Police Station, Dist. Aurangabad once in a week i.e. on monday in between 9.00 am to 11.00 am till filing of the chargesheet.
 - ii) Applicant shall give his attendance at Satara Police Station, Aurangabad once in a three month i.e. on very first day of moth with effect from 01.08.2026 in between 9.00 am to 11.00 am. till conclusion of trial concern with CR. No.425/2026.
 - iii) In order to comply order Clause-2(ii) applicant shall maintain diary for taking acknowledgment of his attendance as directed, bears signature of officer incharge of Satara Police Station coupled with seal of it and produce the same before the court as an when directed to do so.
 - iv) Officer Incharge of Satara Police Station is hereby directed to do the needful in order to comply order Clause-2(ii).
 - v) Applicant shall not make contact with informant and prosecution witnesses by personally or by using any

electronic device till conclusion of trial concern with CR No.425/2026 and shall not tamper the evidence of prosecution and its witnesses in any manner.

- vi) If applicant chargesheeted concern with CR No.425/2026 registered with Satara Police Station, he shall remain present before the court concern on each and every scheduled date without fail and excuse and report his presence by tendering pursis on record bears signature of him and his advocate.
- 4) In the event of jump of any of bail condition by applicant prosecution is at liberty to move for cancellation of bail.
- 5) Compliance of bail order before magistrate court concern.
- 6) Inform to Satara Police Station accordingly for information and necessary action.
- 7) Inform to applicant/accused through Superintendent of Prison of Chhatrapati Sambhajnagar by E-mail forthwith.

Dictated on PC directly, delivered and pronounced in open court at about 12.25 pm.

Date – 07.07.2026

(M. G. Chavan)
Additional Sessions Judge–9,
Aurangabad.

CERTIFICATE

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

Name of Stenographer:	: Pankaj Ravindra Saindane. (Stenographer Grade-II)
Name of the Court	: District & Addl. Sessions Judge-9, Aurangabad.
Date	: 07.07.2026.
Judgment/order signed by the Presiding Officer on	: 07.07.2026.
Judgment/order uploaded on	: 07.07.2026.