

MHAU010058692026



116

FARDAPUR

Cri.Bail Appln./1572/2026

Veeresham Bhimayya Kharchella Vs. State of Maharashtra**ORDER BELOW EXH.1**

The accused has filed this application to release him on regular bail vide Section 483 of Bharatiya Nagarik Surkhsha Sanhita (for short 'BNSS') in C.R. No. I-116/2026 for offence punishable 271, 272, 279, 280, 286, 110, 125, 326, (f) 125 & 3(5) of Bharatiya Nyaya Sanhita and Section registered in Fardapur Police Station, Chhatrapati Sambhajanagar.

2. In short, it is application of the applicant that, as per FIR of the informant on 19.06.2026 Village Revenue Officer, Vaibhav Jadhav got information that, in Varkhedi Khurd local jurisdiction at block No.13, there are drums of asphalt /bitumen chemicals and plastic bags, which are causing an unbearable strong smell and can cause harm to the environment. Hence, he informed Tehsildar and Circle Officer and as per oral order of Tehsildar went to the Spot and found that, there are 100 to 150 and 20 to 25 empty drums. There is solid chemical in Ganni Bags measuring 1 to 1.50 quintile. Its smell is unbearable and strong. It is also verified by pollution control board and found dangerous chemical. Therefore, the informant lodged report against the accused for the offences punishable under Section 271, 272, 279, 280, 286 of the BNS. Later on offences punishable under Section 110, 125, 326(f) of BNS are

added on which this accused is arrested on 31.07.2026 and remanded to Magisterial Custody. Since then, he is in jail.

3. It is his first bail application in which it is contended that, initially offence is registered for the offences punishable under Section 271, 272, 279, 280, 286 of the BNS. Later on offences punishable under Section 110, 125, 326(f) of BNS are added. No evidence is found against this accused. Entire investigation is based upon information by other accused but he has no concern. No chemical reports are collected by police. There is no evidence to show that, the accused has supplied chemical. The accused has not committed any offence. His mother is seek and he is falsely dragged in the crime. The accused has not shared common intention. Therefore, his custody is unwarranted. There is no question of recovery or discovery at the hands of applicant. Nothing incriminating is recovered from this accused. He is resident of another State, is not ground to keep him behind the bars. No reason is given for arrest as per guidelines of Hon'ble Supreme Court. He will not abscond or jump the bail. He is ready to abide all the conditions if released on bail and prayed to allow the application. The application is supported with FIR, PCR report, custody order, medical papers of mother's illness, his Aadhar card and Pan card.

4. Say of the learned APP for the prosecution is called. He objects the application contending that the offence is serious and dangerous to human life. Accused is owner of the Company in which it is produced. Police has sought police custody but their prayer for police custody is rejected. They went to collect information regarding source of chemical and it's nature, officers of the company and their role. Their

economical transactions in respect of all the chemical and verification of involvement of other accused. The investigation is in primary stage. He is influential person. He will tamper the evidence of prosecution. Investigation is incomplete. Hence, if he is released investigation will be adversely affected. He will pressurize the company staff and prayed to reject the application.

5. Heard learned advocate for both the parties. They argued to the tune of their application and say. It appears that, accused is produced and remanded in Magisterial custody. It is contention of the police that, due to his remand Magisterial custody, they could not make investigation. But they have not challenge the said order of remand of the accused into Magisterial custody since rejection of their custody till date within 13 days. In the circumstances, it cannot be said in the decision of bail application that for want of custody, investigation is remained to be made. If actually, they required possession or custody of the accused, they would have challenged the said order of Magistrate but it did not happen. In the circumstances, by keeping the accused in jail for unlimited period, no purpose would be served.

6. Police has objected the application contending that, the offence is serious in nature. Accused is resident of Hyderabad but except Section 110 of BNS other offences are bailable. Except 110 it is attempt to commit culpable homicide but whether the said Section is applicable or not is matter of trial. Actually, the accused is charged in Sillod Rural Police Station for the same offences and he is released on bail by the Hon'ble District and Additional Sessions Judge, Aurangabad holding that, no offence registered against the accused is punishable with imprisonment for

life or death and except Section 110 of the BNS all the other offences are bailable same is the fact in the present application. In the circumstances, the accused is also entitled for bail. On the contrary, keeping the accused behind bars till conclusion of trial will not be legal and proper as bail is rule and jail is the exception. Hence, I pass the following order.

ORDER

1. The application (Exh.01) is hereby allowed.
2. The applicant be released on bail in connection with C.R. No. I-116/2026 for offence punishable 271, 272, 279, 280, 286, 110, 125, 326, (f) 125 & 3(5) of Bharatiya Nyaya Sanhita on his furnishing PR. Bond of Rs.50,000/- (Rupees Fifty Thousand only) with surety in the like amount subject to conditions that,
 - a]He shall provide mobile number and e-mail address. If available, of his sureties and two relatives and himself.
 - b]He shall make himself available for interrogation in crime No.116/2026 as and when required by investigating officer.
 - c]He shall not directly or indirectly make any inducement, threat or promise to any acquainted with the facts of the present case dissuade him from disclosing such fact to the Court or police.
 - d]He shall not tamper with the evidence of prosecution in any manner, he shall not commit similar or any other offenses
3. Bail before learned Trial Court.
4. Inform the learned Trial Court.

Date : 13-08-2026

(P. D. Zambre)
Additional Session Judge,
Aurangabad