

**ORDER ON APPLICATION UNDER**

**SEC.187(3)(i) of BNSS, 2023.**

1. The instant application is filed by Learned Counsel for the accused no.1 under Sec.187(3)(i) of BNSS, 2023 for releasing of accused no.1 on bail as because statutory period is elapsed to file charge sheet within 90 days from the day of custody.
2. The Learned APP has not filed objections to the said application.
3. Heard Learned Counsel for the accused no.1.
4. After perusal of the records of the case, the following points would arise for my consideration:
  - 1). Whether the application filed by Learned Counsel for the accused no.1 is deserved to be allowed?
  - 2). To what order?
5. My finding to the above points is as follows:

Point No.1: In the negative.

Point No.2: As per final order for the following:

**REASONS**

6. **Point No.1:** The CPI, Hunagund circle has filed the charge sheet against the accused persons for the offences punishable under Sec.310(2), 127(2), 115(2) and 61(2) of BNS, 2023. On 02/10/2025 accused no.1 has been produced before me and on perusal of the FIR it reveals that offences are non-bailable in nature and the accused no.1 has been remanded to judicial custody and till today accused no.1 is in judicial custody.
7. In the above said application, learned counsel for the accused no.1 stated that the police ought to have filed the charge sheet against the accused no.1 within 90 days from the day of custody, since the statutory period is elapsed, the accused no.1 is entitled for bail.
8. In view of the points put forth by the learned Counsel for the accused no.1 now, let me see as to whether the application is deserves to be allowed. The application is filed under section 187(3) (i) of BNSS, 2023 and old Sec. 167(2)(ii) of Cr.P.C. Sec.187(3) of Cr.P.C. reads as under: The Magistrate may authorize the detention of the accused person, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorize the detention of the accused person in custody under this sub-section for a total period exceeding (i) 90 days, when the

investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of ten years or more; (ii) sixty days, where the investigation relates to other offence, and, on the expiry of the said period of 90 days, or 60 days, as the case may be, the accused person shall be released on bail if he is prepared to does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXV for the purposes of that chapter.

9. In the case on hand the punishment prescribed for Sec.310(2)BNS, 2023 is imprisonment for life or rigorous imprisonment for 10 years and fine. Hence the police ought to have filed the charge sheet within 90 days from the day of arrest of the accused no.1. In the case on hand police have filed charge sheet against the accused persons within 90 days from the day of arrest of the accused persons. Hence, as per the Sec.187(3)(i) of BNSS, 2023 the accused no.1 is not entitled for statutory bail. Hence, for the aforesaid reasons and after perusal of the relevant provision of BNSS, 2023, application is deserves to be rejected. Accordingly, I answer this point in the negative.

10. **Point No.2:** In view of my discussion made supra, I proceed to pass the following:

**ORDER**

The Application filed by learned Counsel for the accused no.1 is hereby rejected.

**(Hanamantarao R.Kulkarni)  
Senior Civil Judge and JMFC.,  
Hunagund.**