

MHPU010055992026



Order below Exh.01 in Cri. Bail Application No. 2423/2026

Apprehending the arrest in connection with C.R.No.308/2026 registered in Wagholi police station under Sec. 196(1)(a), 299 and 302 of the Bharatiya Nyaya Sanhita (BNS), the applicant **Vikas Sadashiv Lawande** has filed this application for per-arrest bail under Sec. 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). He contends that this is his first bail application and no other application is pending in any other Court.

2. The interim protection from arrest of the accused was granted to the applicant till 20/05/2026 on condition that the applicant shall cooperate in the investigation. On 20/05/2026, this matter was taken up before the In-charge Court. The prosecution filed say (Exh.5) on the bail application and the learned APP was present for argument on the bail application. The applicant made an application for adjournment (Exh.6) on the ground of sudden headache to the learned advocate for the applicant and he also made separate application (Exh.7) for extension of interim protection. The In-charge Court granted the adjournment but declined to extend the interim protection.

3. The matter was taken on board on 21/05/2026 by the applicant and he filed an application (Exh.11) seeking time to file detailed explanation and in the meantime to grant interim protection with review of the order declining its extension. That application (Exh.11) was kept for

hearing along with the hearing on the main bail application on 22/05/2026 by calling say of the prosecution on that application.

4. On 22/05/2026, the applicant filed an application (Exh.15) alleging that the applicant has been taken in custody on 21/05/2026 at about 1.30 p.m. in front of the Court premises and he has been illegally detained by Wagholi police. The say of prosecution was called on that application and the prosecution filed its say (Exh.16) on 30/05/2026 stating that the applicant has been arrested by following required procedure and his arrest is legal and valid.

5. On 30/05/2026, the applicant filed an application (Exh.17) for initiation of departmental and other legal proceeding against PSI Amol Kale for effecting illegal arrest by misleading the Court. The say of prosecution was called on that application. The prosecution filed say on Exh.15 (Exh.17-A) and on Exh.17 (Exh.18) on 02/06/2026. The IO filed say on these applications (Exh.19) on the same day.

6. Heard Shri. Milind Pawar, the learned advocate for the applicant and Shri. Kavedia, the learned APP. The thrust of the submissions of the learned advocate for the applicant was in relation to the way the police acted in this matter. According to him, there was undue haste in arresting the applicant, particularly when, his anticipatory bail application was pending in this Court. The learned advocate seeks to review the order passed by the In-charge Court which, according to him is suffered with misleading statements by the IO and the prosecution. The learned APP submits that there was inadvertent mistake in giving details of criminal antecedents of the applicant but the fact remains proved that

there were criminal antecedents against the applicant. That cannot be the ground to review the earlier order nor this Court will have jurisdiction to review its own order.

7. Having heard both the sides, there cannot be a dispute about the legal position that this Court cannot review its own order, even though it was passed by the In-charge Court. Looking to the order passed by the In-charge Court, the adjournment was granted but extension of interim protection was refused. As clarified earlier, there were two options with the applicant viz. either to carry risk of arrest or to argue the bail application forthwith. The interim protection was granted so that, the prosecution would file say and the bail application can be decided on its merit. When the prosecution was ready to argue the bail application, the applicant cannot be permitted to find excuses and to prolong the hearing by seeking extension of the interim protection which was granted for limited time and purpose.

8. The alleged offences are triable by the Magistrate. The scope of the bail application was limited as to whether the applicant can be released on anticipatory bail or not. Now, the applicant has been arrested, produced before the Magistrate and has been released on regular bail. Thus this application has become infructuous. Insofar as the allegations of illegal arrest and pursuant action against the concerned police officer is concerned, such prayers are beyond the scope of this application and the jurisdictional Magistrate can deal with any such prayers, if made at the appropriate stage. In fact, such application has been filed before the jurisdictional Magistrate and its copy is produced on record. Thus, the

concerned Magistrate will deal with that application in accordance with law and this Court cannot consider the similar prayers. Hence the order.

ORDER

1. The bail application is disposed of as became infructuous.
2. All the pending applications are also disposed of as being beyond the scope of the bail application.

Pune
Date: 13/07/2026

(S.R. Salunkhe)
Additional Sessions Judge, Pune.