

Cri. Bail Appln. No. 545/2026**CNR NO. MHPU140012692026****Avinash Balaso Yadav and anr.****Vs.****State of Maharashtra
(Through Yavat Police Station)****ORDER BELOW EXH.1
(Passed on dt. 28.07.2026)****(A) CASE DETAILS**

Fir Number and Date	662/2026 dt.30.06.2026
Police Station, District and State	Yavat Police Station, Dist. Pune (Maharashtra)
Sections invoked	103, 238, 3(5) of BNS
Maximum punishment prescribed	Death or imprisonment for life

(B) CUSTODY AND PROCEDURAL COMPLIANCE

Date of Arrest	30.06.2026
Total period of custody undergone	28 Days

(C) STATUS OF TRIAL

State of proceedings (Investigation/ Chargesheet/ Cognizance/Framing of Charges/Trial)	Investigation
Total number of witnesses cited in the charge-sheet	--
Number of prosecution witnesses examined	--

(D) CRIMINAL ANTECEDENTS

Fir Number and Police Station	--
Sections	--

Status (Pending/acquitted/convicted)	--
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(E) PREVIOUS BAIL APPLICATIONS

Court	--
Case No.	--
Outcome of case	--

(F) COERCIVE PROCESSES

Whether any Non-Bailable warrant was issued	--
Whether declared a proclaimed offender	--

1] This is an application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS') for grant of regular bail to the accused no.1 and 2 viz. **Avinash Balaso Yadav and Ganesh Haribhau Jagtap**.

2] Perused application and reply thereon filed by the Ld. APP. Heard Ld. Counsel for both the sides.

3] It is the case of prosecution that on dt.19.06.2026 there was dispute between accused viz. Alam and the victim. Therefore, accused Alam committed murder of the victim viz. Ramu Pasi by means of JCB. Thereafter, accused Avinash, Ganesh, Amir and Kallu put the dead body of the victim in a car bearing registration no.MH42-K-8814 and thrown away the said dead body on Wagholi-Rahu road. Hence, informant lodged report about the said incident to Yavat Police Station.

4] Ld. Counsel for the accused submitted that accused are falsely implicated in the alleged offence. The actual turn of event is concocted to fabricate false case against the applicants/accused no.1 and 2. The role of applicants is distinct and limited. They are not prime offenders. Moreover, provision of Section 103 of The Bhartiya Nyaya Sanhita, 2023 is not attracted to the applicants/accused. The offence punishable under Section 238 of the Bhartiya Nyaya Sanhita, 2023 which is attracted against the applicants is of bailable in nature. There is violation of Section 47, 48 of The Bhartiya Nagarik Suraksha Sanhita, 2023. The applicants have been sufficiently interrogated. The substantial investigation has been completed and nothing remains to be recovered or discovered at the instance of the applicants. They will not tamper with the prosecution evidence. There are no criminal antecedents against them. They are permanent resident village Khamgaon, Tal. Daund, Dist. Pune and ready to abide by all conditions which may be imposed by the Court. Hence, it is prayed to release the accused on bail. To fortify his submissions, Ld. Counsel for accused has relied upon the observations of Hon'ble Bombay High Court in case of ***Appaso @ Kumar Kallappa Kumasage Vs. The State of Maharashtra*** reported in ***2018 ALL MR (Cri) 4454*** and ***Sharada Kisan Pardeshi Vs. State of Maharashtra*** reported in ***2017 SCC OnLine Bom 3399***.

5] Per contra, Ld. APP submitted that the offence is serious in nature. The investigation is in progress. Accused no.1 and 2 have abetted in throwing away the dead body of victim to destroy the evidence of murder. Therefore, if he is released on bail, they will

tamper with the evidence of prosecution by pressurizing the prosecution witnesses. Moreover, possibility of their abscondance cannot be ruled out. Hence, it is prayed to reject the application.

6] Perusal of FIR shows the allegation of murder of the victim against the accused Alam. It is not the contention of the prosecution that applicants have abetted the accused Alam in committing the said offence or the said offence was committed in furtherance of common intention of the applicants. Therefore, offence punishable under Section 103 of the Bhartiya Nyaya Sanhita, 2023 is not attracted against the present applicants. Considering the FIR, the only offence which is attracted against both the applicants is Section 238 of the Bhartiya Nyaya Sanhita, 2023 which is bailable in nature. Therefore, considering the bailable nature of the offence of Section 238 of the Bhartiya Nyaya Sanhita, 2023, applicants are entitled to be released on bail. Hence, I pass the following order :

ORDER

1. Application is hereby allowed.
2. Accused no.1 and 2 viz. **Avinash Balaso Yadav and Ganesh Haribhau Jagtap** are released on bail on their executing personal bond of Rs.50,000/- each with one or two solvent surety/sureties in the like amount, in connection with Crime No.662/2026, registered with Yavat Police Station, for the offence punishable under Sections 103, 238, 3(5) of the Bhartiya Nyaya Sanhita, 2023, subject to the conditions that :
 - i) Accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and/or accusation against them so as to

dissuade them from disclosing such facts to the Court or any police officer.

- ii) Accused shall not indulge in any criminal activities in future.
 - iii) Accused shall submit list of at least 3 blood relatives with their detail residential addresses and also the addresses of their places of work, if any, and documentary proof of showing the correctness of details produced by them.
 - iv) Accused shall submit copies of at least 2 documents amongst the Passport, PAN Card, Aadhar Card, Ration Card, electricity bill or Voter Identity Card issued by the Election Commission of India.
3. In the event of breach of any condition, the bail granted to the accused, would liable to be cancelled.
4. Copy of bail order be forwarded to the concerned Jail.

Baramati
Date : 28.07.2026

(Hitendra Urmila Anilkumar Wani)
Additional Sessions Judge, Baramati.