

MHTH230019232026



**CRIMINAL BAIL APPLICATION NO.
998/2026**

**Chandrakant Tukaram Bengude
v/s
STATE
(Nallasopara Police Station)**

ORDER BELOW EXHIBIT NO. 1

Read application, say filed by I.O. at Exh.04. Heard Ld. Advocate Shri. Akshay Bhandari for applicant and Ld. APP. Shri. P. B. Bankar.

2] This is an application for bail u/s.483 of BNSS, 2023 filed by accused-applicant **Chandrakant Tukaram Bengude** for releasing him on bail in C.R. No. 283/2026 of Nallasopara Police Station for the offences punishable under sections 115(2), 118(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3] **The case of prosecution in brief is as under:-**

Complainant Sanjay Kumar Sevalal Kanojiya is residing along with his family since last 6 years on the address given in the FIR. On 12.06.2026 at about 10.30 pm in the evening complainant along with his friend Akhilesh Tiwari was standing near Pimpleshwar Mahadev Temple. At that time applicant and his friend Ashish Tripathi came there and abused them. The complainant and his friend left the place on their motorcycle. When they came in the society, applicant and his friend other co-accused Ashish Tripathi had quarreled with them on the count of tower. Applicant caught hold his collar and pushed him. Co-accused

Ashish Tripathi assaulted by stick on his right hand. Both applicant and co-accused assaulted complainant by fist and kick blows. Co-accused Ashish Tripathi had assaulted by stick which complainant avoided by his right hand. Therefore, he sustained injuries in his right ring and small finger. Complainant then reported the matter to Nallasopara Police Station. On his report, offence was registered at CR. No. 283/2026.

4] I.O. has filed his say at Exh. 04 and strongly opposed the application. It is submitted that offence is of serious nature. Applicant will repeat the offences. Therefore, he needs to be restrained. There is every likelihood of accused pressurizing the victim and witnesses, if released on bail. Therefore, I.O. has prayed for rejecting the bail application.

5] Perused the file. Offences levelled against applicant are under sections 115(2), 118(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6] On perusal of reply of I.O., it is prima facie appearing that the weapon used in the offence stick is yet to be recovered. Other co-accused is also to be arrested. However, as is rightly pointed out by the learned advocate for the applicant, the role assigned to present applicant as per story of prosecution is that he had caught hold the collar of complainant and pushed him and assaulted by fist and kick blows. This applicant had not assaulted the complainant by stick. Therefore, there is no recovery of weapon as such from this applicant. No doubt the other co-accused is yet to be arrested. However, same cannot deny the prayer of this

applicant. When the case of prosecution is not of use of weapon by this applicant, there cannot be any recovery or custodial interrogation from this applicant. There cannot be any interrogation or recovery for the assault by fist and kick blows. Applicant is arrested on 18.06.2026. Therefore, there is no reason for keeping the applicant behind the bar. The argument of learned advocate for applicant on the point of delay in lodging the FIR is on record. However, that will be point to be considered at the time of final hearing. Considering the role of present applicant, the nature, gravity and seriousness of the offences levelled against applicant and as there is no requirement of custodial interrogation or recovery from this applicant, the prayer of the applicant deserves to be allowed. Therefore, I proceed to pass the following order.

ORDER

1.	Application is allowed.
2.	Applicant Chandrakant Tukaram Bengude is released on bail in C.R. No.283/2026 of Nallasopara Police Station for offences punishable under sections 115(2), 118(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, upon his executing P. R. Bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety in like amount on following conditions; i) he shall attend each and every date fixed by the Court, unless exempted. ii) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any Police Officer. iii) he shall not tamper with the evidence of prosecution in any manner.

	iv) he shall not make contact in any manner with the informant and witnesses. v) he shall furnish his current address proof and mobile phone number while furnishing surety.
3.	In case accused is not able to furnish surety, then he will be at liberty to furnish cash surety of Rs.20,000/- (Rs. Twenty Thousand only). He shall furnish the surety of Rs.50,000/- (Rs. Fifty Thousand only) as directed, within two months thereafter, failing which this order shall stand vacated.
4.	The prosecution/victim will be at liberty to file an application for cancellation of bail, in case, the applicant/accused violates any of the aforesaid conditions.
5.	Inform concerned police station accordingly.
6.	Bail before Ld. Lower Court.
7.	Applicant be informed about this order by e-mail through Superintendent, District Prison, Thane.
	(Order is dictated and pronounced in open Court).

Vasai.

Date : 07/08/2026.

(C. P Jain)

District Judge-2

& Add. Sessions Judge, Vasai