

MHCC050036462026



IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

CRIMINAL BAIL APPLICATION NO. 656 OF 2026
(CNR No.:MHCC050036462026)

IN
(C.R. NO.663/2026 OF MALAD POLICE STATION)

Rohit Santosh Bariya	]	
An adult Indian Inhabitant	]	
Aged about 27 yrs, Occ: -Delivery Boy,	]	
Residing at : Room No.05, Chawl No.01,	]	
Mahalaxmi Nagar, P G Marg, Rajanpada,	]	
Malad(West), Mumbai-400064.	]	... Applicant/ Accused

Versus

The State of Maharashtra	]	
Through Malad Police Station	]	... Respondent

Applicant : Ld. Advocate T. R. Patel
Prosecution : Ld. APP Sachin Jadhav

CORAM : H.H. ADDITIONAL SESSIONS JUDGE
NEETA S. ANEKAR (C.R.NO.03)

DATE : 5th AUGUST, 2026.

:: ORDER ::

This bail application is filed under section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (in short "BNSS") in connection with

Crime No.663 of 2026 registered with Malad Police Station for the offences punishable under Sections 109, 189(1), 189(2), 191(2), 61(1) and 309(4) of the Bharatiya Nyaya Sanhita, 2023 (in short “BNS”).

2. The brief facts of the prosecution case are as under:-

The First Information Report has been lodged by the informant on 21.04.2026, stating that on 20.04.2026 at 11.30 p.m. when he along with his friend were proceedings from Shivaji Square, Malad(W), all the accused came there and assaulted him by means of bamboo on his head, they have abused him. They have also assaulted him by means of stone and attempted to kill him. Therefore, First Information Report has been lodged against the accused, pursuant to which C.R.No.663 of 2026 registered with Malad Police Station for the offences punishable under Sections 109, 189(1), 189(2), 191(2), 61(1) and 309(4) of BNS.

3. Ld. Advocate for the applicant/accused while advancing arguments submitted that, after conducting entire investigation, the charge-sheet has been filed before the Ld.Magistrate on 17.07.2026. The investigation is completed and therefore, custodial interrogation of the applicant/accused is not necessary. The medical evidence collected during investigation which forms part of charge-sheet, go to reveal that the injury sustained to the informant is of simple in nature. During the hearing of earlier bail application, the informant had filed affidavit voluntarily stating that he has no objection to release the present applicant/accused on bail. The applicant/accused is in judicial custody since 21.04.2026. The applicant/accused is permanent resident of address mentioned in the application. Hence, the application.

4. The application has been resisted by the prosecution by filing reply at Exh.3 contending that, the applicant/accused is a habitual offender and offence is registered against him with Malad police station bearing CR No.98/2023 for the offence punishable under Sections 354, 354(A) of IPC. The present offence is serious. If the application is considered at this stage, there is every possibility of tampering prosecution evidence and absconding of the accused. Therefore, prosecution has prayed for the rejection of the present application.

5. I have heard both the sides. I have perused the charge-sheet. It is seen that the Investigating Officer has recorded the statements of the witnesses during investigation. The spot panchanama has been drawn. The medical papers pertaining to the injured have been collected during investigation. Now the claim of the applicant/accused that, the injury sustained to the informant is of simple in nature is concerned, admittedly the offence punishable under Section 109 of BNS is levelled against the applicant/accused. For proof of the offence, the prosecution is required to prove the intention or the knowledge of the accused at the time of the offence and the circumstances in which the offence is committed. Therefore, the nature of injury is not decisive and therefore, at this stage, such argument cannot be taken into consideration.

6. The reply of the prosecution goes to show that, in the CCTV footage of the spot of incident, the present applicant/accused alongwith other accused were seen on the spot of incident. In the CCTV footage, the other accused were seen having wooden sticks in their hands. Thus, there is ample evidence at this stage against the applicant/accused. Apart from the same, as per the reply of prosecution, the CR

No.98/2023 for the offences punishable under Section 354, 354(A) of IPC is already registered against the present applicant/ accused. The same shows that the applicant/accused has previous criminal antecedents and while on bail in that offence, he has committed the present offence. The claim of voluntary affidavit executed by the informant stating his no objection to release the applicant/accused on bail infact shows that prosecution evidence is already tampered. Such no objection can also be due to pressurising by the applicant/accused. Therefore, when the trial has not yet begun, such no objection is not the criteria to be taken into consideration in favour of the applicant/ accused. In such circumstances, when the prosecution evidence is already tampered, if the application is considered at this stage, there is every possibility of absconding of the applicant/accused. Therefore I am not inclined to consider this application. Hence, the order:

O R D E R

1. Criminal Bail Application No.656 of 2026 is hereby rejected.
2. Criminal Bail Application No.656 of 2026 stands disposed of accordingly.

(Dictated and Pronounced in the open court)

Date : 05.08.2026

(Smt. Neeta S. Anekar)
Additional Sessions Judge
City Civil Court, at Dindoshi.

Direct dictation on Computer on : 05.08.2026
Corrected and Signed on : 05.08.2026

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
Date : 05.08.2026 Time : 5.40 p.m. UPLOAD DATE AND TIME	Mrs. S.A.Kapare (Stenographer Grade-I) NAME OF STENOGRAPHER
Name of the Judge (with Court room no.)	HHJ Smt.Neeta S. Anekar Court Room No.3
Date of Pronouncement of JUDGMENT/ORDER	05.08.2026
JUDGMENT/ORDER signed by P.O. on	05.08.2026
JUDGMENT/ORDER uploaded on	05.08.2026