



State of Maharashtra

Vs.

Kiran Babu Jare**ORDER BELOW EXH.06.**

1. This is bail application is filed under Section-483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred as 'BNSS') by applicant/**accused No.9 Kiran Babu Jare** to enlarge him on bail. He is arrested in Crime No.I- 791/2025 of Tophkhana Police Station, Ahmednagar for the offence punishable under Sections- 109(1), 126(2), 118(1), 189(1), 189(2), 191(2), 191(3), 190, 333, 324(4), 324(5) of Bharatiya Nyaya Sanhita, 2023. Since the date of arrest i.e. on 04.08.2025 the applicant/accused is in jail.

2. The prosecution's case as revealed from FIR is that informant- Rohan Jayendra Chavan resident of Nalegaon, Ahilyanagar while giving treatment at Civil Hospital reported that accused Pawan Deepak Pawar and Shivam Deepak Pawar are also residing their locality. Previously, accused Pawan and Shivam are convicted in the offence lodged by the informant. So also both the accused used to harass him. Therefore, the informant filed complaints against them. Hence, both accused had grudged against the informant. Both the accused operating P.P. Gang in the vicinity. On 22.07.2025, there was Yatra and accused persons played C.D. system in middle road which was in front of his house. The C.D. installed was kept in such manner causing difficulty to the traffic and people passing there. The wife of informant has recorded the entire episode on her mobile.

3. Further, on 24.07.2025 at about 2.15 p.m. the informant came along with his daughter on his moped. At that time applicant/accused including co-accused followed him by loudly shouting and screaming. While informant came to his house, they all shouted loudly and left ahead. Thereafter, he left his daughter in the house and went into the office of his uncle, which is situated in front of his house. Thereafter, on the same day, at about 3.15 p.m. the applicant/accused along with other accused forcefully entered into the house of informant along with with deadly weapons i.e. iron rods, wooden logs etc. At that time, his aunt Geeta was present there. Applicant/accused including other accused damaged the CCTV and T.V. of the informant, other co-accused damaged the household articles. At that time, informant, his uncle and Priyanka Kambale were present in the office of his uncle. At that time, informant shut the door. After seeing of informant, applicant/accused along with co-accused came there, they all broke the door and entered into the office. Accused Amol Gore injured him by means of iron rod on his head. Accused Shivam Deepak Pawar injured him by sharp weapon on his head. Thereafter, applicant/accused along with co-accused Prashant Dalvi, Adharsh Salunkhe, Ganesh Bhujbal and Ors. injured him by means of wooden logs. They also injured his uncle and Priyanka Kambale. When his wife came to rescue them, accused Shivam Deepak Pawar and Aditya Lahu Sakat Chavan injured her by wooden logs. At that time, aunt Anita, Devyani and mother of Pawan Pawar came to rescue them, accused also injured them. Thereafter, accused left the spot by threatening the informant to kill him. Applicant /accused and others accused thrown the stones and bear

bottles on the house of informant. The accused also threatened them. Therefore, informant lodged the report against them.

4. Learned advocate for the applicant/accused has submitted that the earlier bail application was rejected as the investigation was pending. Now, the charge-sheet is filed. The arrest of applicant/accused is illegal, because he was not informed ground of arrest and reason of arrest. There is no document to indicate that the investigating officer had complied with the guild-lines given by Hon'ble Supreme Court in various judgments. So also, since long applicant/accused is in jail. The trial would not start in near future hence he be released on bail. To support his argument learned advocate has relied on following authorities :

I- **Chandrashekhar Bhimsen Naik ...Vs... State of Maharashtra and Ors. 2026(1) BOM.CR (CRI) 359.**

II- **Gaurav Shahajirao Kakade ...Vs... State of Maharashtra and Anr. 2026 NCBHC – AS 6097.**

III- **Vishalkumar Bholu RavaniVs... State of Maharashtra, 2024 NCBHC – AS 46670.**

IV- **Ashis KakkarVs... U.T.O Chandigarh, 2025 SCC On-Line SC 1318,**

V- **Kapil Vinodpal Sing ChaudhariVs... State of Maharashtra, 2026 NCBHC – AS 967**

VI- **Kasireddy Upender Reddy ...Vs.. State of Andhra Pradesh and Ors. 2025 SCC On-line SC 1228,**

VII- **Prabir Purkayashtha ...Vs... State(NCT of Delhi), 2024 AIR SC 2967.**

**VII- Vihaan Kumar ...Vs... State of Haryana and Anr.
2025 AIR SC 1388.**

5. Learned APP has resisted the application by filing say vide (Exh.16) and submitted that offence is in nature. The applicant/accused has taken active participation in commission of offence. There are eye witnesses to the incident. The CCTV footage shows that applicant/accused was present on the spot. He has criminal background. The arrest of applicant/accused is totally justified and it has been approved by learned Additional C.J.M. Hence, application may be rejected.

6. The informant appeared through his Ld. Advocate and resisted the application. Their learned advocate has submitted that earlier co-accused and other persons had assaulted informant and his family. In this respect, a criminal complaint was filed and case was tried by Sessions Court vide Sessions Case No. 141 of 2018. In that case, co-accused was convicted. He filed appeal before Ld. High Court and he is released on bail. Thereafter, he has committed 11 crimes. All the accused persons are operating as a gang in that locality. The police had also initiated externment action against the whole gang members. They have criminal records. Some of the accused persons still absconding. If this application is allowed, then they will pressurize the witnesses. The objection about illegal arrest was not taken before this time and now at later stage the applicant cannot raised this issue. Hence, application be rejected.

7. To support his argument, learnd advocate has relied on

following authorities:

I- Kapil @ Ninni ...Vs.. State of Panjab, CRM-M-1065-2024,

II- Gurpreet Singh @ Gopi ...Vs... State of Panjab, CRM-M-38041- 2023,

III- Sushanta Kumar Dhalasamanta and Anr.Vs... State of Odisha, BLAPL NO. 6805 of 2025 of High Court of Odisha.

IV- Anuradha @ Chhiku ...Vs... State (NCT of Delhi) CRL.A.1543 of 2025.

V- Umesh @ Kala ...Vs... State, Bail Application NO. 1407 of 2025.

8. The investigating/arresting police officer was present and submitted that as the offence was committed collectively by all accused persons. He had informed them about ground of arrest and also had informed their relatives. He had complied with section 47 and section 48 of BNSS, 2023. After arrest applicant/accused produced before learned Additional Chief Judicial Magistrate. The Magistrate was convinced that arrest was proper. Therefore, the ground raised by applicant/accused is not proper. Hence, application be rejected.

9. At the outset, it is made clear that though applicant/accused has not raised this issue in bail application but as this issue pertains to law, even though, it is not raised in bail application it has to be considered. Further, this application is filed after charge-sheet and therefore due to change in circumstances this

application is maintainable.

10. As far as the arrest of applicant/accused is concerned, it was obligatory on the part of investigating officer to inform the “Reasons for arrest and grounds of arrest”. This is as per the ratio laid down by Hon’ble Supreme Court in the case of **Prabir (cited supra)**. There is general dairy extract of 04.08.2025 when applicant/accused was arrested. In that extract nowhere it is mentioned that applicant/accused was informed “Reasons of arrest”. It only mentioned that the guild-lines of Hon’ble Supreme Court is followed. It also does not mentioned that applicant/accused was informed “Grounds of arrest”. It only states that the relatives of applicant/accused is informed about his arrest.

11. The arrest panchnama is on record. In that also nowhere it is mentioned that applicant/accused was informed “Grounds of arrest” and “Reasons of arrest”.

12. On above facts the ratio laid down by Hon’ble High Court of Bombay in **Chandrashekhar Naik (Cited Supra)**, **Gaurav Kakade (Cited Supra)**, **Vishal Kumar Ravani (Cited Supra)**, **Ashis Kakkar (Cited Supra)**, **Kapil Chaudhari (Cited Supra)** and the ratio laid down by Hon’ble Supreme Court in **Kasireddy (Cited Supra)** are applicable to the present case. The arrest of applicant/accused is illegal on ground that reasons of arrest and grounds of arrest are not informed to him.

13. As far as the ratio laid down by Hon’ble Higher Courts in

Kapil @ Ninni (Cited Supra), Gurpreet (Cited Supra), Sushanta (Cited Supra), Anuradha (Cited Supra), Umesh (Cited Supra), are not applicable to the present case.

14. As far as the merits are concerned, though applicant/accused has criminal background but for long time he is in jail. All the muddemal has gone for FSL report. It is not likely that the trial would start within two years from today due to absence of muddemal. All the injured are discharged from the hospital. No purpose would be served by keeping applicant/accused is in jail. By imposing appropriate conditions this application can be allowed. Hence, following order.

ORDER

1. The Application Exh.06 is allowed.
2. Applicant/**accused No.9 Kiran Babu Jare** be released on bail on furnishing P.B. & S.B. of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties on following conditions :
 - (i) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.
 - (ii) The applicant/accused shall not commit similar offence.
 - (iii) The applicant/accused shall not leave the jurisdiction of

this Court without prior permission.

- (iv) The applicant/accused shall furnish the detail name, address and Adhar-card number of his two close relatives.
- (v) The applicant/accused shall not enter in the vicinity of residence of informant and witnesses.
- (vi) The applicant/accused shall attend the concerned police station on every first Monday of the month from 11.00 a.m. to 1.00 p.m. till further order.

Date : 10.03.2026
Place : Ahmednagar.

(M. S. Lone)
Additional Sessions Judge,
Ahmednagar JO Code-MH00920