

MHKO010024712026



ORDER BELOW EXH.1 IN CRI. BAIL APPLN. NO.614/2026

(Abhishek Sandip Vichare Vs. State of Maharashtra)

1] Perused application and say filed by I.O. and APP. Heard Advocate for applicant and APP for State.

2] This is a first bail application filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita, (Hereinafter referred as 'BNSS') by applicant in respect of apprehension of his arrest in C.R. No.319/2026 registered at Rajarampuri Police Station for the offences punishable under section 118(1), 118(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (Hereinafter referred as 'BNS'). First informant resides at Rajendra Nagar, Kolhapur along with his family members. On 28/5/2016, minor son of first informant along with his friends were playing cricket in front of their house. At 6.30 p.m. first informant heard sound of shouting and quarrel and he found that applicant and his brother were present there. Applicant was having axe and his brother was having stick. They both were abusing son of first informant and his friends. So first informant asked them reason of their act. Applicant told that said boys used to tease him and he would see them. Applicant then assaulted son of first informant by axe at right side of head. When first informant intervened, applicant assaulted Aditya by means of axe at head. Brother of applicant assaulted son of first informant and Aditya by means of stick. People gathered and applicant and his brother ran away by threatening first informant and his family members.

3] According to applicant, he is falsely implicated. He has not committed alleged offence. Applicant never assaulted son of first informant but son of first informant and other boys were aggressive and they attacked applicant firstly. In scuffle two boys sustained injuries. Brother of applicant is not concerned with alleged incident but he is implicated with ulterior motive.

Aggressive boys assaulted applicant by wooden log at different parts of his body and he sustained grievous fracture injuries. He was admitted in Laxmi Narayan Hospital, Kolhapur as indoor patient. Applicant filed cross complaint against said boys vide C.R.No.320/2026. Applicant was indoor patient for 22 days and has undergone major treatment for fracture injuries. Recovery of weapons were already made and investigation is practically over. Applicant is 26 years old and serving as Chartered Accountant. He is well educated and there will be loss of his reputation and job if he is arrested. He is resident of Rajendra Nagar, Kolhapur. He has no criminal antecedents. Due to levelling of offences punishable U/Sec.118 (2) etc. of BNS, there is apprehension in the mind of applicant about arrest. Applicant is ready to abide conditions and prayed to grant him protection U/Sec. 482 of BNSS.

4] APP and IO objected application on ground that investigation is in progress. Applicant assaulted son of first informant and his friend by means of axe, they became injured. Said weapons are seized from brother of applicant. Material information is to be gathered about reason of assault and other aspects. Applicant will pressurize first informant and witnesses and there is possibility of tampering prosecution evidence. So they prayed to reject application.

5] Allegations against applicant are serious. From statement of first informant and injured witnesses role attributed to applicant can be gathered. They stated incident dt. 28/5/2026 on which at 5.00 p.m. son of first informant, his friends Aditya and others were playing cricket. Applicant and his brother came and asked why they used to tease applicant, threatened to see them. Applicant then assaulted son of first informant and Aditya by means of axe at head. They sustained injuries. Brother of applicant assaulted son of first informant at back by means of stick. Applicant and his brother threatened them. Advocate of applicant submitted that brother of applicant is arrested and released on bail. Recovery of weapons is made from him. There are cross cases. In that regard copy of FIR No. 320/2026 dt. 29/5/2026 at 19.37 hours is filed. It is filed by applicant against Pratik and

Ors. for offences p/u/s. 118(1), 352 etc. 3(5) of BNS about incident dt. 29/5/2026. It is submitted that said boys were aggressive.

6] In addition to that Advocate of applicant filed copy of present FIR, ID of applicant issued by Institute of Chartered Accountant, his medical certificate to show that he sustained fracture injuries and was admitted in Laxmi Narayan Hospital. Due to educational qualification, job of applicant and fact that investigation is almost over, Advocate of applicant submitted that it is proper to grant protection. APP for State argued that due to weapons used, injuries sustained by injured, there is gravity of offence. Material role is attributed to applicant and there is possibility of tampering prosecution evidence. In police papers, there are statements of first informant, his family members, injured witnesses etc. Spot panchanama is prepared. Son of applicant and his friend Aditya sustained grievous injuries as per certificates. There is seizure panchanama about seizure of axe and stick from accused No.2 who is brother of applicant.

7] It is material to note that due to arrest of accused No.2, investigation is in progress. In view of allegations, weapons used there is gravity of offence, prima facie involvement of applicant can be gathered. Though there are cross-cases, present FIR is filed previously. Material information is to be gathered from applicant and investigation is going on. In that context investigating machinery has to follow all necessary procedure as per the BNSS. Considering above reasons, it is not proper to grant protection u/s. 482 of BNSS. Therefore following order is passed.

ORDER

- 1] Application is rejected.
- 2] Since the bail application is filed online, separate physical copy of this order is not maintained. All concerned to act upon digitally signed copy of this order uploaded online.

Date --14/07/2026.

[Smt. R. V. Adone]
Additional Sessions Judge,
Kolhapur.

Certificate

“ I affirm that the contents of the P.D.F. File order are same word for word as per original order.

Sd/-
[A.A.Patil]
(Stenographer G-1)