

MHKO010025472026



ORDER BELOW EXH.3

(State of Maharashtra Vs. Tushar Raghunath Powar)

1] Perused application and say. Heard Advocate for accused and APP for the State. Perused affidavit filed on behalf of accused in respect of compliance as per guidelines.

2] This is second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (Hereinafter referred as 'BNSS') by accused in respect of his arrest in C.R.No. 83/2026 registered at P.S.O. Radhanagari Police Station for the offences p/u/s. 118(1) (2), 352, 351(3) 109 of the Bharatiya Nyaya Sanhita (Hereinafter referred as 'BNS'). First Informant is father of accused and he lodged report stating that on 9/3/2026 he, his brothers went to Chandekarwadi for work and when they returned, accused made phone call to Sagar and asked why he took his father with him, his father used to quarrel and he is going to beat his father. At 9.15 p.m. accused came in front of house of brother of first informant and started abusing. First informant came outside house and saw that accused was having iron strip with his hand and brother of first informant viz. Jaywant lay down with injury at his head. When first informant went there and pulled accused, accused assaulted first informant by means of iron strip at left shoulder and knee. First informant and his brother were admitted in hospital for treatment.

3] According to accused, he is falsely implicated. He has not committed alleged offence. There is family dispute and there are strained relations between first informant and family of accused. His previous bail application was rejected on 18/6/2026. Now charge-sheet is filed and further

detention of accused is not required. Accused is 27 years old, doing agricultural work. His family members including grandmother, mother, wife and minor children are depending on him. He is resident of Talashi, Tal. Radhanagari, Dist. Kolhapur. He has no criminal antecedents. He is ready to abide conditions and prayed to release him on bail.

4] APP, I.O. objected application on the grounds that though charge-sheet is filed there are allegations that accused assaulted his uncle Jaywant and his father by means of iron strip at vital parts. There is CCTV footage showing incident of assault. CDR in respect of mobile number of Sagar and accused are obtained. Muddemal iron strip is seized from accused. Uncle of accused was treated in CPR Hospital and he received fracture injury, brain scanning was done. First informant, injured and accused are near relatives. There is possibility of tampering prosecution evidence by giving threat and pressure to first informant and witnesses. So they prayed to reject application.

5] Allegations against accused are serious. From statement of First Informant and injured witness, role attributed to accused can be gathered. First informant, injured Jaywant narrated that on 9/3/2026 by giving threats accused assaulted Jaywant i.e. his uncle at head by iron strip, he assaulted first informant i.e. his father at left shoulder and knee by iron strip. They both sustained injuries. Advocate of accused submitted that there is long standing family disputes and strained relationship between parties. Due to filing of charge-sheet further detention of accused is not required. APP for State submitted that considering relationship, weapon used and injuries on vital parts, there is gravity of offence. There is possibility of tampering prosecution evidence.

6] Advocate of the accused relied on authority cited in **Sanjay Chandra Vs. CBI, reported in 2012 1 (SCC) 40** in which it is observed by Hon'ble Apex Court that bail ensures appearance at trial, not punishment;

courts balance liberty and societal interest considering charge gravity, evidence, and potential for trial interference. Bail is not meant to be punitive or preventative. Courts must respect the principle of innocence until proven guilty. Ratio laid down in above cited ruling is noted and considered. Previous bail application was rejected and at that time copy of charge-sheet was not placed on record. Now after completion of investigation charge-sheet is filed and there is change in circumstances.

7] As per police papers in charge-sheet spot panchanama is prepared weapon i.e. iron strip is seized. Medical certificates of first informant and injured are obtained. Injured Jaywant sustained acute Epidural hemorrhage, subdural hemorrhage, fracture at left frontoparietal bone, linear and undisplaced fracture etc. as mentioned in certificate dt. 10/3/2026. Thereafter offence u/s. 109 of BNS is added. Statements of witnesses are recorded. There is nothing on record to show that first informant and injured are indoor patient at present. Though there is gravity of offence, due to recently filing of charge-sheet, trial will take time. Accused is 27 years old and Agriculturist. He is resident of Talashi, Tal. Radhanagari, Dist. Kolhapur. His presence can be secured. His family members including grandmother, mother, wife and minor children are depending on him. Due to gravity of offence, strict conditions are to be imposed. No purpose would serve by keeping accused behind bar for unknown period. Therefore application deserves to be allowed with following order.

ORDER

- 1] Application is allowed.
- 2] Accused Tushar Raghunath Powar be released on executing PR. bond of Rs.50,000/- with one surety in the like amount.
- 3] Accused shall attend every date of this proceeding.
- 4] Accused shall not tamper the prosecution evidence in any manner.
- 5] Accused shall not threat, pressurize informant and prosecution witnesses, shall not repeat the offence.

- 6] Accused shall co-operate investigating machinery as and when required.
- 7] Prior to furnishing surety, the accused shall submit his address proof, mobile number and inform about the change in address and mobile number.
- 8] Accused shall submit list of three blood relatives with their detail residential addresses and addresses of their place of work.

Date : 29.7.2026

(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)