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Bail Order in R.A No.391/RA/2026 in 427/BA/2026
In CR. No.745/2025 of Byculla Police station, Mumbai

(A) CASE DETAILS:

FIR NUMBER & DATE	745/2025, DATE 01.10.2025
POLICE STATION, DISTRICT AND STATE	BYCULLA POLICE STATION, MUMBAI (MAHARASHTRA)
SECTION INVOKED	Sections 318(4), 3(5) of Bharatiya Nyaya Sanhita, 2023.
MAXIMUM PUNISHMENT PRESCRIBED	Section 318(4) – upto 7 years imprisonment and fine

(B) CUSTODY & PROCEDURAL COMPLIANCE :

DATE OF ARREST	20/05/2026
TOTAL PERIOD OF CUSTODY UNDERGONE	20 days

(C) STATUS OF TRIAL:

Stage of proceedings (Investigation/Charge-sheet/Cognizance/Framing of Charges/Trial)	Investigation
Total number of witnesses cited in the charge-sheet	--
Number of prosecution witnesses examined	--

(D) CRIMINAL ANTECEDENTS:

FIR No. & Police Station	Nil
Sections	--
Status (pending/Acquitted Convicted)	--

(E) PREVIOUS BAIL APPLICATIONS:

Court	Nil
Case No.	--
Outcome of case	--

(F) COERCIVE PROCESSES:

Whether any Non-Bailable Warrant was issued	No.
Whether declared a proclaimed offender	No.

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Accused Nitin Madanlal Jain is seeking grant of bail for the reasons mentioned elaborately in the application. He is alleged to have committed offence punishable under section 318(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2) Say of I.O. and Ld. APP was called. They submitted that prima-facie case is made out against the accused. Accused has committed serious offence. If the accused is released on bail, possibility of his absconding, committing similar nature of offence, pressurizing the witnesses and tampering with evidence cannot be ruled out. 70% of deceived amount is yet to be recovered. Hence, they prayed for rejecting the application.

3) Heard learned counsel for accused and Ld. APP for the State. Perused the record.

4) It appears from the remand papers that 91 gram of gold bar worth Rs.13,15,670/- is recovered from this accused. All other accused are already released on bail. Trial will take its own time. So far as the objections raised by the prosecution are concerned, appropriate conditions can be imposed on accused for the same. There is no point in keeping the accused behind the bars. Hence, considering the nature of alleged offence and the settled principle of law that, bail is rule and jail is an exception, there is no point to keep the accused in Magisterial Custody. Hence, in view of above reasons, I pass following order :-

ORDER

- 1) Application is allowed.
- 2) Accused Nitin Madanlal Jain be released on bail on furnishing P.B. and S.B. of Rs. 15,000/-. Alternate prayer of Cash Bail of Rs.15,000/- is granted in lieu of S.B.

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- 3) Accused shall co-operate the investigation and shall not tamper the evidence.
- 4) The accused shall visit police station Byculla on every Wednesday between 11.00 a.m. to 1.00 p.m., till filing of charge-sheet.
- 5) Failing to follow any of the above conditions will result in cancellation of bail automatically.

Date :- 09/06/2026

(Aarti Kulkarni)
Judicial Magistrate First Class,
25th Court, Mazgaon, Mumbai.