

Order below Exh.1
(Passed on 18/07/2026)

Nature of application	<u>Anticipatory Bail u/s.482 of BNSS.</u>
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Crime details

Crime No.240/2026	<u>Dated : 29/04/2026</u>
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Police Station	<u>Pune Railway</u>
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Offences	<u>121(1), 132, 352, 3(5) of BNS.</u>
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Applicant	Sumit Shyam Kamble – accused no.3.
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FIRST BAIL APPLICATION

Order below Exh.1
(Passed on 18/07/2026)

1. Perused the application for anticipatory bail and reply of prosecution thereon strongly opposing the same. Also heard learned advocate for the applicant, learned APP for the State and objecting complainant/informant.

2. The facts relevant for the purpose of present application, are as under :

The complainant Nandu Radhakishan Devre is employed as trackman with railways. His duties involved ensuring operations and safety of the railway tracks, and accordingly he carry out duties. On 29/04/2026, he was on duty as key man with Chinchwad railway station. At about 2.00 pm in the afternoon, he was installing keys at railway Km. No.175/853 mile stone. At that time, he saw 4 unknown persons sitting on the

railway tracks, and doing some mischief. As the complainant objected them from sitting on the railway track, these 4 persons caught hold of the complainant and mercilessly assaulted him. One of them caught his collar, while the others fell him down and thrashed him with stones. The assailants snatched his key hammer and hit the complainant on his head. The complainant suffered serious bleeding injuries. The assailants abused and threatened the complainant by saying that they are *Bhais* i.e. local goons of the area, and warned the complainant against messing with them. As the complainant's colleagues sought to rush upon hearing his cry, the assailants left the place. The photographs of the attacking assailants were snapped while they were running away. The injured complainant was taken to railway hospital for medical aid. Later, he lodged report with G.R.P, Pune, following which, the above offences came to be registered. The police referred him to Sassoon hospital for medical examination. In the investigations that followed, the police narrowed down upon 3 persons as suspects. They were found to be residents of Anand Nagar slums.

3. It further unfolded that one of them was found urinating in front of railway power office, and his photo was also snapped. The needle of suspicion turned to the applicant. As the police visited his house to enquire, the applicant avoided to face the police. He instead rushed to this court to seek anticipatory bail.

4. It is submitted by the applicant that the railway police is trying to falsely rope him into an offence, in which, he was never involved. He is being roped in vindictively. The F.I.R. does not name him. No notice u/sec.35(3) of BNSS was served upon

the applicant. The police was frequently visiting his house to wrongfully arrest him and harassing his family members upon not finding him. The applicant states to have lodged complaint with S.P railways about the aforesaid conduct of the police. Applicant submitted that he has no association with the co-accused. The description of the assailant does not match his description. Offence punishable is less than 7 years. Hence, he may be granted protection of anticipatory bail.

5. Learned APP strongly objected to grant of anticipatory bail. He submitted that the assailant has to be identified by conducting test identification parade. His custody was therefore, essential. However, the applicant was eluding the police. He never attended the police station even once. As there was no cooperation in the investigation, the application be rejected.

6. The I.O. appeared and submitted that in course of incident, the photographs of the assailants were snapped. Based on the description and the photographs, the assailants were traced, and the applicant is indeed one of the assailants. Custodial interrogation is, therefore, necessary to ascertain the motive of sitting on the railway tracks and launching merciless assault on the railway servant, who was performing his duty. The I.O. further submitted that identity of the applicant has been confirmed by the injured complainant upon seeing his photograph. Hence, anticipatory bail be rejected.

7. The complainant also appeared on notice. He confirmed the fact that the applicant is indeed one of the assailants as per the photographs.

8. Having considered the rival submissions and the facts placed on record, it is firstly seen that the informant/complainant

has no animosity with any accused to falsely implicate them in the crime. The F.I.R. is against unknown offender. The applicant of course claimed to be innocent, and vehemently contended that he was not involved in the crime and not even present at the scene. However, the I.O. has placed on record, the copy of certain photographs collected during the course of investigation. The injured complainant confirms the applicant to be one of them. It is further seen that the applicant never attended the police when called for investigation. There should have been no hitch for the applicant to attend the police, if he was really innocent and not present at the crime scene. The fact that he has avoided to face the police, and the confirmation of his identity by the complainant, definitely makes out his prima-facie involvement in the crime. Resultantly, therefore, this is not the case of false accusation or wrongful arrest on false grounds.

9. Protection of anticipatory bail is discretionary. It cannot be accorded to a person whose prima-facie involvement in the crime is seen, and is one who has avoided to face the police and cooperate in the investigation. Resultantly, following order is passed.

ORDER

The application for bail under Section 482 BNSS is rejected.

Date : 18/07/2026

(S.S. Kanthale)
Addl. Sessions Judge, Pune.

CERTIFICATE

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno P.S. More, Grade-3

Name of Court Shri. S.S. Kanthale
DJ-1 and Addl. Sessions Judge, Pune.

Date of Order 18/07/2026

Order signed by 20/07/2026
PO on

Order uploaded 20/07/2026
on