



ORDER BELOW Exh. 4
(PASSED ON 30/07/2025)

The present application has been filed by the accused, Sachin @ Babya Vilas Bhosale, seeking release on a personal bond. The Ld. Assistant Public Prosecutor has submitted her say. The accused has been charge-sheeted for an offence punishable under Section 304(2) of the Bharatiya Nyaya Sanhita (B.N.S.).

2. The Ld. Advocate for the accused submitted and argued that the accused was arrested on 07/02/2025. He is the sole earning member of his family and is willing to comply with any conditions that may be imposed by the Court. He has assured that he will remain present before the Court as and when directed. It was further submitted that the accused is unable to furnish surety. On the other hand, the Ld. Assistant Public Prosecutor submitted and argued that the offence is cognizable and non-bailable in nature, and is of a serious character. She contended that if the accused is released on bail, there is a strong possibility that he may tamper with the prosecution evidence, and the likelihood of the accused committing a similar offence in the future cannot be ruled out. Therefore, she prayed for rejection of the present application.

3. Heard both sides. Perused the remand papers. It appears that the offence alleged against the accused is punishable under Section 304(2) of the Bharatiya Nyaya Sanhita (B.N.S.). The said offence does not attract the punishment of death or life imprisonment. The maximum punishment prescribed is up to three years, and the offence is triable by

this Court. The submission of the Ld. APP that the accused is a habitual offender is not supported by any documentary evidence. The investigation has been completed, and the charge sheet has been filed. This Court has already granted bail to the accused on 03/05/2025. The accused has been in Magisterial Custody Remand since 07/02/2025. In light of the charge sheet having been filed, it appears that recovery is complete, and the accused is no longer required for custodial investigation. Therefore, this Court is inclined to allow the present bail application. Though it is submitted that multiple offences are registered against the accused, it is not the case of the prosecution that the accused has been convicted in any of those cases. For the apprehensions expressed by the Ld. APP regarding tampering with evidence or committing other offence, necessary conditions can be imposed upon the accused. The Ld. Advocate for the accused submitted that though bail has been granted, the accused has remained in custody for several months solely due to his inability to furnish surety. Upon perusal of the record, it is evident that the accused continues to be in jail for an extended period for want of surety or cash bail. In the case of *Satender Kumar Antil vs. CBI*, the Hon'ble Supreme Court reiterated the principle that "*bail is the rule, jail is the exception*," and also observed that courts should avoid imposing high surety amounts that the accused cannot furnish. Further, reliance is placed on the judgment of the Hon'ble Apex Court in *In Re Policy Strategy for Grant of Bail*, reported in *2023 SCC OnLine SC 483*, wherein the Court observed: "*In cases where the undertrial or convict requests that he can furnish bail bond or sureties once released, then in an appropriate case, the Court may consider granting temporary bail for a specified period to the accused so that he can furnish bail bond or sureties.*" In the present case, the accused is in custody only due to his inability to furnish surety or cash bail. Since the charge sheet is already filed, there is no further question of tampering with evidence.

Accordingly, this Court finds it appropriate to release the accused provisionally on a P.R. bond of Rs.25,000/-, with time granted to furnish surety or cash security. Hence, the following order is passed:

ORDER

1. The Application is hereby allowed.
2. Accused **Sachin @ Babya Vilas Bhosale** is released on executing P. R. bond of Rs.25,000/- provisionally with condition to furnish surety of like amount within the period of next one months or one months from the released from the jail and subject to the following conditions:
 - a. Accused is directed not to tamper with the evidence and shall not induce, threat or a promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such facts to the court or to any police officer.
 - b. He shall not indulge in any criminal activity during the period of bail.
 - c. Accused is directed to furnish Aadhar Card of two relatives and himself with mobile number, at the time of furnishing bail.
 - d. Release warrant along with P. R. Bond be sent to the Jail Authority for further compliance.

Date : 30/07/2025.

(A. S. Shaikh)
Judicial Magistrate First Class,
(Court No.4) Daund.

CERTIFICATE

I affirm that the contents of this P.D.F file, Order are same, word to word, as per the original order.

Name of the Steno :- Deepak A. Merukar, Grade-3
Court / Panel :- (A. S. Shaikh)
4th Jt. C.J.J.D. & Judicial Magistrate
First Class (Court No. 4) Daund.
Order / Judgment date :- 30/07/2025.
Order / Judgment singed by :- 30/07/2025.
the Presiding Officer on
Order/ Judgment uploaded on :- 01/08/2025.