

MHPU380030142026



(The structured frame work as per directions of Hon'ble Supreme Court in Criminal Appeal No. 825/2026)

A) **CASE DETAILS**

- | | | |
|-----|-------------------------------------|---|
| (a) | FIR Number and Date | 113/2026
09.02.2026 |
| (b) | Police Station, District and State. | Shikrapur, Pune
Maharashtra |
| (c) | Sections invoked. | Section 103(1), 238,
3(5) of BNS and Us.
4(25) of Arms Act. |
| (d) | Maximum punishment prescribed. | Death Sentence |

B) **CUSTODY AND PROCEDURAL COMPLIANCE.**

- | | | |
|------|------------------------------------|------------------|
| (i) | Date of arrest. | 12.02.2026 |
| (ii) | Total period of custody undergone. | 5 months 9 days. |

C) **STATUS OF TRIAL**

- | | |
|--|---------------------------|
| a)Stage of proceedings (Investigation/charge-sheet/ cognizance/ framing of charges/ trial. | Charge-sheet filed.
26 |
| b)Total number of witnesses cited in the charge-sheet. | |
| c) Number of prosecution witnesses examined. | Nil. |

D) **CRIMINAL ANTECEDENTS.**

- | | |
|--------------------------------|------|
| 1) FIR no. And Police Station. | Nil. |
| 2) Sections | |

3) Status (pending/acquitted/ convicted). Nil.

E) **PREVIOUS BAIL APPLICATIONS.**

A) Court.	ASJ, Shirur
B) Case No.	Cri. Bail No. 147/26
C) Outcome of the cases.	Rejected.

F) **COERCIVE PROCESSES.**

a) Whether any Non-bailable warrant was issued.	Nil.
b) Whether declared a proclaimed offender.	Nil.

ORDER BELOW EXH. 3

1. This is an application filed by the applicant / accused **No.1- Amin Shaukat Shaikh** under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, for regular bail in crime registered with Shikrapur Police Station, vide Crime No.113/2026 for offence punishable under sections 103(1), 238, 3(5) of BNS and Us. 4(25) of Arms Act.

2. In short, it is the case of prosecution that informant Tulsiram Dhiren Mahato is the brother of deceased Sukhen Dhiren Mahato. On 09.02.2026, the informant went on his job and the deceased also left the house for service. In the evening when the informant came back, he did not find the deceased in the house. So he made phone calls to the deceased but there was no reply. On next day i.e. 10.02.2026 his supervisor called him and asked to come behind one hotel. When he reached said place, he saw that some unknown persons have committed murder of his brother. So, he lodged complaint against unknown person. In the result this crime

came to be registered against unknown person for the offence punishable U/Sec. 103(1) of BNS. During investigation, the police came to conclusion that the accused No. 1 alongwith child conflict with law have committed the murder of deceased. Accordingly, the accused No. 1 came to be arrested in this crime and since 12.02.2026 he is behind the bar. Thus, applicant/accused No.1 has moved present application for grant of regular bail.

3. Investigation Officer strongly resisted the application by filing his say vide Exh. 6 and prayed for rejection of the application.

4. Ld. Advocate Shri. R. B. Lohkare for the applicant took me through the charge-sheet and submitted that the previous bail application of the applicant came to be rejected by this Court on the ground that the investigation is pending, but now the charge-sheet has been filed and so this application is maintainable under change in circumstances. He further took me through the complaint and submitted that the same is lodged against unknown person and there is no name of accused No. 1 in it. He further submitted that there is no eye witness to the alleged incident and only on the basis of remote C.C.Tv. footage the applicant is falsely implicated in this crime. He further took me through the statement of the witnesses, particularly of Sandip Kalokhe and submitted that there are contradictory story which itself shows false implication of the applicant in this crime. He further submitted that the seized muddemal has no nexus with the accused No. 1 nor the accused No. 1 is seen in the C.C.Tv. footage carrying any sickle with him. He further submitted that if the entire charge-sheet is seen then there is no incriminating evidence against

the applicant. He further submitted that the charge-sheet has been filed and there is nothing to be recovered or discovered from the possession of the applicant. He further submitted that the applicant is in jail since 12.02.2026 and trial will take its own time and till then no purpose would be served in keeping the accused in jail. He further submitted that applicant is about 19 years old and taking education. He has no criminal antecedents. He is permanent resident of given address. He is also ready to abide by any condition which may be imposed by this Court and as such prayed for releasing him on bail.

5. On the other hand, Ld. A.P.P. Shri. Vijay Fargade for the State took me through the charge-sheet and submitted that there are statements of eye witnesses Sujeet Kumar Maurya and Vivek Ronge which shows that prior to the alleged incident quarrel has occurred between the deceased and accused No. 1 on tea stall and thereafter, they proceeded towards the spot which is captured in the C.C.Tv. footage. He further submitted that there is also statement of Khanderao Chakor who has seen the accused No. 1 and the deceased going behind the said bank and thereafter the deceased was found dead on the spot. He further submitted that the memorandum statement of the accused No. 1 coupled with the recovery of blood stain clothes of accused and the deceased shows direct nexus between them. He further submitted that the over all the charge-sheet shows prima facie case against the applicant. He further submitted that previous bail application of the applicant came to be rejected by my Ld. Predecessor and mere filing of charge-sheet does not amount to change in circumstances and so this application is not maintainable.

He further submitted that the alleged offence is serious in nature and if the applicant is grant bail they there is possibility of tampering and pressurizing of prosecution witnesses, absconding of accused and all these will hamper the trial and as such prayed for rejection of the application.

6. At the outset, it needs to be noted that the accused No. 1 has filed Cri. Bail Application No. 147 of 2026 before this Court which came to be rejected by my Ld. Predecessor vide order dated 09.04.2026 on the ground that the investigation is pending and charge-sheet is to be filed. Thereafter, the investigation is completed and charge-sheet has been filed and thereafter this application has been filed by the applicant. In view of the ratio laid down in the case of **Laxman Irappa Hati and Anr. Vs. State of Maharashtra (2004 ALL MR (Cri) 3073)**, relied upon by Ld. Advocate for the applicant wherein, it is held by the Hon'ble Bombay High Court that hearing of second bail application alongwith the documents supplied to the accused at a later stage, is not precluded, this application is maintainable.

7. In the light of the submissions advanced by the Ld. Advocates for both sides, I have perused the application, say Exh. 6 and the record. Perused charge-sheet. On perusal of the complaint lodged by informant as well as supplementary statement, it prima facie shows that it is the applicant No. 1 who has committed murder of deceased alongwith CCL. There is a statement of Sujit Kumar Maurya, Khanderao Chakor and Vivek Ronge, which shows that the deceased and the accused were lastly seen together and thereafter the

deceased was found dead. In addition to it there is C.C.Tv footage showing the presence of accused No. 1 and the deceased at the same time near the spot. There is also memorandum statement of accused No.1 pursuant to which there is recovery of weapon of offence and blood stain clothes. Over all the charge-sheet discloses prima facie involvement of the applicant in this crime.

8. Although the charge-sheet has been filed but the alleged offence is serious in nature. Looking to the nature and manner of the offence, if present applicant is released on bail, then, the apprehension of prosecution that there is possibility of threatening to the informant, pressurizing and tampering of prosecution witnesses and evidence and absconding of applicant cannot be ruled out completely. All this will create hurdle in the trial.

9. For aforesaid reason, in my opinion, at this stage, the applicant has failed to make out any case for releasing him on bail. Therefore, this application deserves to be rejected. Resultantly, the following order :

ORDER

Application Exh. 3 is rejected.

(Dictated and pronounced in open Court.)

(N. S. Momin)

Date : 21.07.2026

Additional Sessions Judge,
Shirur-Ghodnadi, Dist- Pune