

MHPU380031662026



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

A) CASE DETAILS

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|-----|-------------------------------------|--|
| (a) | FIR Number and Date | 490/2026
06/06/2026 |
| (b) | Police Station, District and State. | Shikrapur, Pune
Maharashtra |
| (c) | Sections invoked. | Section 109, 189(2),
191(2), 191(3), 190,
118(1), 115(2), 351(2)(3),
352 of the Bharatiya Nyaya
Sanhita, 2023. |
| (d) | Maximum punishment prescribed. | 10 years. |

B) CUSTODY AND PROCEDURAL COMPLIANCE.

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|------|------------------------------------|----------------|
| (i) | Date of arrest. | 07.06.2026 |
| (ii) | Total period of custody undergone. | 1 month 1 day. |

C) STATUS OF TRIAL

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

D) **CRIMINAL ANTECEDENTS.**

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| 1) FIR no. And Police Station. | Nil. |
| 2) Sections | Nil. |
| 3) Status (pending/acquitted/ convicted). | Nil. |

E) **PREVIOUS BAIL APPLICATIONS.**

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|--------------------------|------|
| A) Court. | Nil. |
| B) Case No. | Nil. |
| C) Outcome of the cases. | Nil. |

F) **COERCIVE PROCESSES.**

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

ORDER BELOW EXH. 1

1. This is an application taken out by **applicants/ accused No. 2 Akash Bapurao Gaikwad, Accused No. 3 Aniket Arvind Palande and accused no. 5 Bhagwat Dilip Phad** u/s. 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for releasing them on regular bail in crime No. 490/2026 of Shikrapur Police Station, Dist- Pune for offence punishable under Sections 109, 189(2), 191(2), 191(3), 190, 118(1), 115(2), 351(2)(3), 352 of the Bharatiya Nyaya Sanhita, 2023.

2. In short, it is the case of prosecution that on 06.06.2026 at about 12.15 hours in the night, informant Adesh Mahadeo Darekar along with his cousins Vansh Gorakh

Darekar, Yash Sukhdeo Darekar, Swapnil Sanjay Darekar and Vishal Kantilal Darekar were leaving for home after taking dinner at Hotel Green Garden in Koregaon Bhim Tal. Shirur. Accused no.1 was sitting on motorcycle of Swapnil Darekar. Quarrel took place between them on account of taking motorcycle by the side. At that time the accused no.1 gave slap to the informant and shouted loudly and abused him. When the informant and his cousin Vansh Gorakh Darekar tried to make him understand, the accused nos. 2 to 8 came on the spot and they started beating them by fist and kick blow. In the said incident, Vansh Darekar suffered fracture injuries to his hand as well as severe injuries on his head and other parts of his body. After the incident, the informant lodged complaint against the accused persons and on the basis of said complaint, this crime came to be registered against accused persons for aforesaid offences. Accordingly, the applicants/accused Nos.2, 3 and 5 came to be arrested and they are in jail since 07.06.2026. Thus, the applicants/accused nos. 2, 3 and 5 have moved present application for grant of regular bail.

3. Investigation Officer strongly resisted the application by filing say dated 23.06.2026 and prayed for rejection of the application.

4. Informant and injured appeared in persons and gave affidavit stating no objection for granting bail to the applicants.

5. Ld. Advocate Shri. S. D. Hilal for the applicants /accused Nos.2, 3 and 5 took me through the case papers and submitted that no such incident has occurred and out of mistake, the informant has lodged complaint against the applicants. He further submitted that even otherwise none of the injuries on the informant or injured are life threatening injuries and they are already discharged from the hospital. He further submitted that the informant and injured Vansh have appeared in persons and have filed affidavit stating no objection for granting bail to the applicants. He further submitted that the applicants are behind bar since 07.06.2026 and since then most of the investigation has already completed and nothing is remaining to be seized from the possession of these applicants and therefore, no purpose would be served in keeping them in jail for long. He further submitted that the applicants are sole earning member of their family. They have no criminal antecedents. They are permanent resident of given address and thus, there is no question of their absconding. They are also ready to abide by any condition which may be imposed by this Court and as such prayed for releasing them on bail.

6. On the other hand, Ld. A.P.P. Shri. Vijay Fargade for the State took me through the case papers and submitted that the alleged offence is serious in nature and there is prima facie case against the applicants. He further submitted that their

investigation is in progress and yet charge-sheet is to be filed and if the applicants are granted bail, then there is possibility of tampering of prosecution witnesses and absconding of accused and as such, prayed for rejection of the application.

7. Perused the application & say filed by the investigating officer and the record. Heard ld. Advocate for both sides. Perused the case papers and the documents placed on record. Although the complaint discloses that the applicants along with remaining accused persons had beaten the informant and injured Vansh however, the informant and said Vansh Darekar who are victim of the offence have appeared personally before the Court in the matter and filed affidavit dated 29.06.2026 that due to misunderstanding they have lodged the complaint against the applicants and the applicants have not caused any harm to them. They have also given no objection for granting bail these applicants. Therefore, there appears no prima facie case against the applicants.

8. The applicants are behind bar since 07.06.2026. Till date, most of the investigation is already completed. There is nothing to be recovered from the possession of the applicants. No purpose would be served in keeping the applicants in jail. Applicants are sole earning member of their family. They are permanent resident of given address and so there is no question of absconding. They have no criminal antecedents. So far all the apprehension of the prosecution is

concerned, the same can be taken care of by imposing stringent conditions while releasing the applicants on bail.

9. For aforesaid reason, in my opinion, the applicants have made out a case for grant of bail. Therefore, this application deserves to be allowed. Resultantly, the following order :-

ORDER

1] Application (Exh. 1) is allowed.

2] **Applicants/ accused No. 2 Akash Bapurao Gaikwad, Accused No. 3 Aniket Arvind Palande and accused no. 5 Bhagwat Dilip Phad** be released on bail on executing PR Bond of Rs. 50,000/-each with solvent surety in the like amount each, in respect of Crime No. 490 of 2026 registered with Shikrapur Police Station for the offences punishable U/Sec. 109, 189(2), 191(2), 191(3), 190, 118(1), 115(2), 351(2)(3), 352 of the Bharatiya Nyaya Sanhita, 2023, on following conditions :-

- a] They shall cooperate with investigating agency as and when called upon.
- b) They shall attend concerned police station as & when called by the investigation officer till filing of charge-sheet and to cooperate in investigation.

- c] They shall not tamper or pressurize the prosecution witnesses and evidence in any manner.
- d] They shall produce documents showing his photo identity, permanent address and contact number before the Investigating officer.
- 3] Bail before the concerned Ld. JMFC, Ghodnadi-Shirur.
- 4] Inform concerned accordingly.

(Dictated and pronounced in open Court.)

Ghodnadi-Shirur.
Date:06/07/2026

(N. S. Momin)
Additional Sessions Judge,
Ghodnadi-Shirur, Dist. Pune.