

MHRG100004582025



BAIL ORDER BELOW EXH. 38 IN RCC NO. 83/2025

This is an application for bail on behalf of the accused. Offences leveled against the accused are under sections 85, 316(2), 352, 3(5) of the B. N. S. A. P. P. has filed say at Exh. 39. It is contended in the say that, offence is serious and if bail is granted he may abscond. A. P. P. opposed application on grounds that, the accused may hamper and tamper witness and evidence. It will affect the case. He may leave India. The accused as per record has applied for Anticipatory Bail in Hon'ble District Court. But, his application is rejected. Therefore, the accused has filed Anticipatory Bail in Hon'ble High Court of Bombay. But, it is pending and no order has been passed. Therefore, he cannot apply for bail in this matter and his application is not tenable. Therefore, prayed for rejection of application.

The accused has filed on record self attested true copy at Exh. A of order of the Hon'ble High Court at Judicature of Bombay, Anticipatory Bail Application no. 531/2026. In that Hon'ble High Court of Bombay has passed order as follows :-

'The applicant shall not leave India without prior permission of this Court. Ad-interim order to continue till the next date'.

The accused has filed on record self attested true copy at Exh. B of order of the Hon'ble High Court at Judicature of Bombay, Anticipatory Bail Application no. 531/2026. In that Hon'ble High Court of Bombay has passed order as follows :-

‘Mr. Kishor Ajetrao waive service of notice for respondent/first informant. List on 12/03/2026. Till the next date, the applicant shall not be arrested. In the meantime, the applicant shall attend the concerned police station on 09/03/2026 and 10/03/2026 between 11.00 a.m. and 2.00 p.m. and shall co-operate in the investigation.’

Perused application and say of the A. P. P. along with available record. There is no writ received by this Court of Hon’ble Apex Court. The accused no. 1 appeared before Court suo-moto and submitted that, he is ready to secure his presence by furnishing surety. Today concern Mahad Town Police Station has filed supplementary charge-sheet against the accused no. 1. There is no warrant pending against him of arrest. The accused has contended in the application that, as per directions of Hon’ble High Court of Judicature at Bombay in Anticipatory Bail Application no. 531/2026 in order dated 05/03/2026 has fully co-operated with investigating agency filing of charge-sheet reflects completion of investigation. Ld. Advocate for the accused no. 1 has also cited case law of Sanjay Chandra Vs. C. B. I. (2012) in which the Hon’ble Supreme Court of India has held that once investigation is complete, continued detention is not justified. It is a settled principle in law that, ‘bail is the rule and jail is an exception’.

In the light of citations, principles of Hon’ble Apex Courts, there is no writ received by this Court till today. Accused no. 1 is not arrested by Police till today. No warrant against the accused no. 1 is pending. The accused as per rules is at liberty to appear before Court suo-moto, as he did. Apprehension of A. P. P. can be safe guarded by imposing conditions. Hence, I proceed to pass order as follows:-

:: Order ::

1. The accused is directed to furnish P. B. and S. B. of Rs. 20,000/- with one solvent surety.
2. The accused shall attend the court regularly on fix dates.
3. The accused and surety are directed to furnish his I.D. proof, mobile number and his detail address with address proof.
4. The application is disposed of accordingly.

Place : Mahad
Date : 09/04/2026

(P. S. Mali)
Judicial Magistrate First Class,
Mahad, Dist. Raigad.