

MHRG140003102026



ORDER BELOW BAIL APPLICATION (EXH-8)

1. This is an application moved by Applicant / Accused No. 1, Mohit Gopal Kohali, under Section 480 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking his enlargement on regular bail in connection with C.R. No. 96/2025 registered at Nhava-Sheva Police Station for the offences punishable under Sections 331(3), 331(4), 305(a), 317(2) read with Section 3(5) and Section 112 of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. It is the contention of the learned counsel for the Applicant that the investigation in the present matter is entirely complete, and the Investigating Officer has filed the final report (charge sheet) before this Court. It is vehemently submitted that the Applicant was arrested on 20/01/2026 and has been languishing behind bars since then. The core ground pressed into service by the learned Counsel is that of parity; the Co-accused No. 2, Swapnali, has already been enlarged on bail by the Hon'ble Sessions Court, Panvel, on a bail bond of Rs. 50,000/-. The

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Hon'ble Sessions Court had rightly observed that bail cannot be rejected merely on the ground of antecedents. As the investigation qua the present Applicant is over, further custodial interrogation is unwarranted. The Applicant undertakes to abide by all the terms and conditions that this Court may deem fit to impose.

3. Per contra, the learned Assistant Public Prosecutor (APP) has filed a detailed say on behalf of the State, strongly resisting the application. The learned APP contended that the offences are serious, non-bailable, and involve a huge sum of money. The prosecution asserts that the filing of the charge sheet does not automatically entitle an accused to bail, particularly in grave offences. It is further argued that the accused might attempt to tamper with evidence, influence witnesses who are known to him, and misuse his liberty. The prosecution further submitted that though the offences are triable by the Court of JMFC, the gravity of the act must be considered. Therefore, the prosecution prayed for the rejection of the application with costs.

4. I have heard the learned counsel for the Applicant and the learned APP at length. I have carefully perused the application, the say filed by the prosecution, and the charge sheet placed on record.

5. Upon considering the rival submissions, the foremost aspect to be noted is that the investigation in the present crime is completed and

the charge sheet has been duly filed before this Court. The general rule of criminal jurisprudence is 'bail and not jail,' especially when the investigation is complete, and the presence of the accused is no longer required for custodial interrogation.

6. The offences alleged against the Applicant are triable by the Court of Magistrate. It is an admitted position on record that the Co-accused No. 2, Swapnali, whose role is largely similar to that of the present Applicant, has already been granted bail by the Hon'ble Sessions Court, Panvel. The principle of parity, therefore, heavily weighs in favour of the present Applicant. When a co-accused identically situated has been granted the concession of bail, the present Applicant cannot be denied the same benefit, absent any exceptional distinguishing circumstances.

7. The apprehensions raised by the learned APP regarding the possibility of the Applicant fleeing from justice or tampering with the prosecution witnesses are generalized in nature. No specific material has been brought on record to show that the Applicant possesses the means or the propensity to derail the trial. Such apprehensions can be adequately taken care of by imposing stringent conditions upon the Applicant. The mere fact that a huge amount is involved or that the offence is serious cannot be the sole touchstone for denying bail once the charge sheet is filed and the maximum prescribed punishment is not death or life

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imprisonment, keeping in mind that pre-trial detention cannot be punitive in nature.

8. Having regard to the nature of the accusations, the completion of the investigation, the period of incarceration already undergone by the Applicant since 20/01/2026, and applying the golden principle of parity, I am of the considered view that the Applicant deserves to be enlarged on bail. Hence, I proceed to pass the following order:

ORDER

1. The application filed by Applicant / Accused No. 1, Mohit Gopal Kohali, under Section 480 of the BNSS, 2023 is hereby allowed.
2. The Applicant / Accused No. 1 be released on bail in connection with C.R. No. 96/2025 registered at Nhava-Sheva Police Station (RCC No. 54/2026) on his executing a Personal Recognizance (P.R.) Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two solvent local sureties in the like amount.

3. The Applicant shall not tamper with the prosecution evidence or attempt to contact, threaten, or influence the prosecution witnesses in any manner whatsoever.
4. The Applicant shall attend the trial on each and every date, unless exempted by this Court for valid reasons.
5. The Applicant shall furnish his permanent residential address and contact details to the Court and the Investigating Officer, and shall not change his residence without prior permission of this Court.
6. Breach of any of the aforesaid conditions shall entail automatic cancellation of the bail.

Uran,
Date : 16.04.2026

S. P. Wankhade
Civil Judge, J.D., Uran