

: ORDER BELOW EXH.23 IN SESSIONS CASE NO.16/2025 :
(CNR No. MHRG15-000276-2025)
(Passed on 16.07.2025)

1) This is an application seeking a regular bail, made by accused **Suraj Eknath Temghare**, concerning the offence punishable under sections 109, 118(2), 115(2), 189(2), 190, 191 of the Bharatiya Nyaya Sanhita, 2023 (in short, "B.N.S."), in Crime No.114/2024 (Sessions Case No.16/2025) registered with Mhasla police station.

2) It is contended that the accused came to be arrested on 03.12.2024. The accused is a permanent resident of S.No.84/165, Shastri Nagar, Paud Road, Near Datta Mandir, Kothrud, Ex-Serviceman Colony, Pune, Pune, Maharashtra. It is first bail application and is preferred heavily relying upon the Judgment of **Vihaan Kumar Vs. State of Haryana & Anr. [2025 ALL SCR (Cri) 743]**. It is submitted that the accused did not make such application before any other Court. The sections levelled against the accused are not applicable. The accused is innocent. He did not commit any offence. This accused did not assault the informant. The Investigating Officer did not conduct proper investigation. There is no *prima facie* case against the accused. Accused is a poor person. He is ready to abide by all the conditions. The investigation is completed and his further detention is not necessary. It is submitted to allow the application.

3) The Investigating Officer and the Ld. A.P.P. opposed the application by filing say (Exh.24). It is contended that the five

unknown persons were assaulting the known person to the informant. When the informant and witness tried to intervene, they were also severely assaulted by the accused persons. Not only this, the accused and co-accused formed an unlawful assembly and assaulted the informant and to a witness Salim Ghansar with kicks and fist blows. Salim was also assaulted by means of stone on his head, thereby causing him serious injuries. The accused thereby attempted to commit murder.

4) Application is opposed on the ground that there are various crimes, pending against co-accused. This accused is a resident of Pune District and on releasing him on bail, he will not appear before the Court. The offence is serious and there is possibility of threatening the witnesses. There are various cases pending against this accused including under sections 379, 380 of the I.P.C. and under section 4, punishable under section 25 of the Arms Act at different Police Stations. In the present matter, the charge-sheet has been presented to the Court. It is submitted to reject the application.

5) Heard both sides and perused the record.

6) Ld. Advocate Mr. R. R. Chavan for accused, and the Ld. A.P.P. Mr. Y. A. Tendulkar, iterated the contentions made in the application and say, respectively.

7) Ld. Advocate for the accused would submit that the accused has been in the custody for a long time. It is submitted

that the requirement as per section 47 of Bharatiya Nagarik Suraksha Sanhita, 2023 (section 50 of the Code of Criminal Procedure) has not been complied with and, therefore, the accused is entitled to be released on default bail. Reliance is placed on the Judgment of Vihaan Kumar (supra).

8) Ld. A.P.P. attempted to show that the accused was informed in respect of the grounds of arrest. Intimation dated 03.12.2024 to relative is pointed out by him. It is submitted that the accused committed serious offence and is not entitled to be released on bail.

9) It is seen that the offence is serious and there is *prima facie* material against the accused. There are six crimes are stated to be pending against this accused. However, only on that count the accused cannot be continued to be detained for an indefinite period.

10) It will take considerable time to decide the matter. Three co-accused have been granted default bail. One more co-accused has been granted bail today itself. This accused is in the custody for about 7 months. Further detention of the accused is not must. Considering these aspects and the parity, the accused is entitled to be released on bail. Hence, the following order:-

: O R D E R :

1) The application is allowed.

2) Applicant-accused **Suraj Eknath Temghare**, concerning the offence punishable under sections 109, 118(2), 115(2), 189(2), 190, 191 of the B.N.S., in Crime No.114/2024 (Sessions Case No.16/2025) registered with Mhasla police station, be released on Personal Bond of Rs.25,000/- (Rs. Twenty five thousand only), with a surety in the like amount, on the following conditions:-

- (a) The applicant-accused shall not directly or indirectly make any inducement, threat or promise to any of the witnesses and shall not tamper the prosecution evidence.
- (b) He shall furnish his detail address, contact number, names and addresses of two relatives with their phone numbers, as per availability.
- (c) He shall not commit any offence.
- (d) He shall not leave India without permission of this Court.

(Dictated and pronounced in the open Court)

Mangaon.
Date: 16.07.2025.

(S. T. Bhalerao)
Additional Sessions Judge,
Mangaon, Dist. Raigad.