

: ORDER BELOW EXH.5 IN SESSIONS CASE NO.39/2025 :
(CNR No. MHRG15-000539-2025)
(Passed on 19.12.2025)

1) This is an application seeking a regular bail, made by accused no.2 **Amol Bansi Bhosle**, concerning the offence punishable under sections 109, 333 r/w. section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short, "B.N.S."), in Crime No.13/2025 (Sessions Case No.39/2025) registered with Mhasla police station.

2) It is contended that the accused came to be arrested on 08.03.2025. After undergoing Police Custody Remand he has been in the Judicial Custody. He is a permanent resident of Pune District. The sections levelled against him, are not applicable. He has falsely been implicated in the crime. He is ready to abide by all the conditions. It is submitted to allow the application.

3) The Investigating Officer and the Ld. A.P.P. for the State, opposed the application by filing say (Exhs.6, 10 and 15). It is contended that the informant and accused no.1 are from different communities and they had performed a love marriage. However, accused had been suspecting fidelity of the informant. Due to which, the survivor had been staying separate from him. The accused no.1 was angry on it and entered into the house of the survivor and inflicted blow with a fuel wood on the head of survivor. Not only this, he threatened that he would kill her. At that time, this accused caught hold of hands of the survivor and

accused no.1 inflicted blows on the head of survivor. Accused no.2 pressed a pillow against the mouth of the survivor and accused no.1 inflicted stabs with screw-driver and injured her. Thereafter, they fled the spot.

4) It is contended that the offence is serious. There is one more crime, pending against this accused. On his release, he is likely to pressurize the informant and the witnesses. On being release, he would abscond and commit serious offence. It is submitted to reject the application.

5) Heard both sides and perused the record.

6) Ld. Advocate Mr. S. M. Dighe for accused, and the Ld. A.P.P. Mr. J. D. Mhatre for the State, iterated the contentions made in the application and say, respectively.

7) Ld. Advocate for accused would submit that the necessary compliance under sections 47 and 48 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (In Short, the 'B.N.S.S.') was not made. It is submitted that the accused has been in the custody for longer time, the Test Identification Parade has been conducted belatedly, the alleged role of this accused is not as graver as of the co-accused. It is submitted to allow the application.

8) Ld. Advocate for the accused would rely on the citation, thus: **Vihaan Kumar Vs. State of Haryana & Anr., [2025 ALL SCR (Cri) 743]**. Wherein, the Hon'ble Apex Court was pleased

to observe that it is obligatory on the part of person making arrest to inform about the arrest to the friends, relatives or persons nominated by the arrested person, is to ensure that they would be able to take immediate and prompt actions to secure the release of the arrested person as permissible under the law.

9) The Ld. A.P.P. would submit that the offence is serious. The accused alongwith the main accused – husband of the survivor - unlawfully entered the house of the survivor, attacked her and attempted to commit her murder. There is another crime pending against this accused. It is likely that the accused would pressurize the informant and witnesses. It is submitted that merits of the matter could not be examined including of the Test Identification Parade.

10) It is seen that the accused came to be arrested on 08.03.2025. No criminal antecedents have been pointed out against him. No doubt, the offence alleged against him is serious and overt act of this accused are also stated to be there, including catch holding of the hands of survivor, so as to make her vulnerable and facilitating the main accused to assault her. Not only this, he allegedly pressed a pillow against her mouth. Both the accused, allegedly thereafter left the spot.

11) It is seen that in Test Identification Parade, this accused had also been identified. No doubt, the Ld. Advocate for the accused submitted that the Test Identification Parade has been conducted very late and there are irregularities in the same. All

these aspects need not be gone into detail at this stage.

12) There is *prima facie* material against the accused in respect of his involvement in the crime. However, as discussed above, he has been in the custody for more than 09 months.

13) It is a harsh reality that there are more than 100 Under Trial Prisoners alleged of committing serious crimes have been waiting for hearing in their respective cases in this Court. It is not likely that this matter could be taken expeditiously and decided in near future.

14) Additionally the information given to the accused and the relatives in respect of his arrest under section 47 and 48 of the B.N.S.S. are also cryptic and no reasons of arrest have been mentioned in the same.

15) Considering the nature of the offence, completion of the investigation, *prima facie* material against the accused, more than 09 months' incarceration of the accused, he can be released on bail on stringent conditions. The notice being the information under section 47 and 48 of the B.N.S.S. being incomplete, the ratio laid down in Vihan Kumar's case (*supra*) is helpful to the accused.

16) All other aspects need not be gone into details at this stage. Hence, the following order:-

: ORDER :

- 1) The application is allowed.
- 2) Applicant-accused no.2 **Amol Bansi Bhosle**, concerning the offence punishable under sections 109, 333 r/w. section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short, "B.N.S."), in Crime No.13/2025 (Sessions Case No.39/2025) registered with Mhasla police station, be released on Personal Bond of Rs.50,000/- (Rs. Fifty thousand only), with a surety in the like amount, on the following conditions:-
 - (a) He 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 not enter the place where the survivor has been residing, and keep himself away at least 50 k.m. from said place, till decision of this case or passing of further order, whichever is earlier.
 - (c) If for reaching to the Court to attend proceeding against the accused and going away, the entry into 50 k.m. from that place is required, then only he is allowed to travel within radius of 50 k.m. After marking his presence at the Court, as required by the Court, the accused shall immediately go away and

strictly comply with the conditions, as mentioned above.

- (d) He shall furnish his detail address, contact number, names and addresses of two relatives with their phone numbers.
- (e) He shall not commit any offence.
- (f) He shall not leave India without permission of this Court.

Mangaon.
Date: 19.12.2025.

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