

: ORDER BELOW EXH.31 IN SESSIONS CASE NO.59/2022 :
(CNR No. MHRG15-000588-2022)
(Passed on 23.03.2026)

- 1) This is an application seeking permission to deposit cash security of Rs.10,000/- and time to furnish surety after release of the accused.
- 2) It is contended that on 23.09.2025 this Court allowed the application and directed the applicant-accused to furnish Personal Bond of Rs.50,000/- with surety. However, the accused could not comply with. On 28.10.2025 the applicant-accused applied seeking his release on minimum cash security. The Court was pleased to reduce the amount of surety to Rs.20,000/-.
- 3) It is contended that the accused has been in the custody of 175 days since the order dated 23.09.2025 is passed till the date of application – 18.03.2026. Due to poverty, the applicant-accused is unable to produce the surety.
- 4) One 'Rehman Foundation', situate at Mamdapur, Post-Neral, Tal. Karjat, Dist. Raigad is ready to pay Rs.10,000/- as a cash security due to the poverty of the applicant-accused. It is submitted to allow the application and grant time to furnish surety.
- 5) Ld. A.P.P. for the State, opposed the application by filing say (Exh.32). It is contended that the offence is serious and

the accused is not entitled to be released on cash security, as sought. The accused would not remain present before the Court. The prosecution is ready to conduct the case expeditiously. There is sufficient evidence against the accused. Hence, application may be rejected.

6) Heard both sides and perused the record. Ld. Advocate Mr. Swapnil Dighe for accused, and the Ld. A.P.P. Mr. Y. A. Tendulkar for the State, iterated the contentions made in the application and say, respectively.

7) Ld. Advocate for accused would submit that only because of the poverty, the accused has been in the custody from 17.08.2024. Even after bail order came to be passed, the accused could not furnish the surety. It is submitted as a last chance, the applicant may be released on cash security.

8) Ld. A.P.P. would submit that the accused had been granted bail and was released. However, he remained absent due to which, he was brought before Court under Non-Bailable Warrant. On 07.01.2025 his application came to be rejected. Though his application for bail has been granted, unless the surety is furnished, he cannot be released on bail.

9) It is seen that due to his absence, Non-Bailable Warrant was issued. His bail application came to be rejected on 07.01.2025. Long after that on 23.09.2025 his bail application came to be allowed. He failed to produce surety. Therefore, surety

amount was reduced on 28.10.2025. However, the accused has not been able to produce the surety. It shows that he does not have resources and has been languishing in the jail only for want of required resources.

10) No doubt, the offence punishable under section 304 of Indian Penal Code is serious, and charge against the accused has been framed for more serious offence i.e. section 302 of the I.P.C.

11) Looking to the long incarceration of the accused i.e. from 17.08.2024, Non-Governmental Organization being ready to pay cash security, there being no possibility of taking the matter expeditiously and decide it in near future, the accused is entitled to be given one more opportunity. Long incarceration must have taught him a lesson that he must be punctual in future.

12) All in all, the application deserves to be allowed. Hence, the following order:-

: O R D E R :

- 1) The application is allowed.
- 2) Applicant-accused **Rupesh Bhagwan Shinde** concerning the offence punishable under sections 304, 325, 504 of the Indian Penal Code, 1860 (for short, "I.P.C."), in Crime No.91/2022 (Sessions Case No.59/2022, charge framed under section 302 of the I.P.C.) registered with Roha police

station, is allowed to furnish cash security of Rs.10,000/- (Rs. Ten thousand only), and 03 (three) weeks time from release of the accused on bail, is granted to produce surety for Rs.20,000/-.

- 3) All other conditions mentioned in the order passed below Exh.28 dated 23.09.2025, be applied strictly.

Mangaon.
Date: 23.03.2026.

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