

: ORDER BELOW EXH.4 IN SESSIONS CASE NO.45/2025 :
(CNR No. MHRG15-000603-2025)
(Passed on 03.10.2025)

1) This is an application seeking a regular bail, made by accused **Akshay Chandrakant Mukane**, concerning the offence punishable under sections 103(1) and 352 of the Bharatiya Nyaya Sanhita, 2023, in Crime No.102/2025 (Sessions Case No. 45/2025) registered with Mangaon police station.

2) It is contended that the accused did not commit any offence. He has falsely been implicated in the crime. There are no criminal antecedents against him. He is a permanent resident of Borghar Adivasiwadi, Tal. Mangaon, Dist. Raigad. No recovery has been made at the instance of the accused. The investigation has been completed and charge-sheet is presented to the Court. The accused is ready to abide by all the conditions. It is submitted to allow the application.

3) The Ld. A.P.P. for the State, opposed the application by filing say (Exh.5). It is contended that the offence is serious including murder. Perusal of the charge-sheet reveals that the accused has committed the heinous crime and there are eye-witnesses to the incident. On grant of bail, the accused would pressurize the witnesses. The prosecution is ready to conduct the case, expeditiously. It is submitted to reject the application.

4) Heard both sides and perused the record.

5) Ld. Advocate Mr. R. P. Oka 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.

6) Ld. Advocate for accused would submit that the accused is of 25 years and his family is dependent upon him. Against the grandson of the deceased, a case under POCSO Act has been pending, on the report of the wife of the accused. The accused is ready to abide by all the conditions.

7) The Ld. A.P.P. would submit that though the charge-sheet has been presented, the accused is not entitled to be released on bail. It is submitted that there are eye-witnesses to the incident. The accused is likely to pressurize the witnesses on his release. The prosecution is ready to conduct the case expeditiously.

8) It is seen that the allegations against the accused are that he was hurling words of abuse and on being objected to, he did not listen. When the accused continued to utter too obscene words of abuse, the deceased inflicted a stick blow on the head of the accused. Then the accused who had a scythe tied to his waist, inflicted the blow of scythe on the neck of the deceased, thereby causing grievous injury to the old man, to which he succumbed.

9) It is seen that the accused came to be arrested on 19.05.2025. No criminal antecedents have been pointed out against him and his age is 25 years. However, these and other grounds are not sufficient to release him on bail, when there is

strong *prima facie* evidence including of a witnesses and medical evidence.

10) The possibility of committing graver offence by the accused on his release does not appear imaginary. Considering the gravity of the offence, strong *prima facie* evidence against the accused and possibility of tampering the witnesses and committing graver offence, the accused is not entitled to be released on bail. Hence, the following order:-

: O R D E R :

The application Exh.4 is rejected.

Mangaon.
Date: 03.10.2025.

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