

: ORDER BELOW EXH.4 IN SESSIONS CASE NO.61/2025 :
(CNR No. MHRG15-000806-2025)
(Passed on 09.12.2025)

1) This is an application seeking a regular bail, made by accused **Malhari Bhanudas Chavan**, concerning the offence punishable under sections 310(2), 311, 309(4), 127(2), 111 of the Bharatiya Nyaya Sanhita, 2023 and sections 4, 25 of the Arms Act), in Crime No.79/2025 (Sessions Case No.61/2025) registered with Pali police station.

2) It is contended that the F.I.R. was registered against 6 unknown persons. The accused came to be arrested on 06.08.2025. Nothing incriminating was found against him. The Remand Report is completely silent about recovery. The accused has been in the custody for long time. His further detention in the custody is not necessary. The charge-sheet has been presented. The accused 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 (Exh.7). It is contended that on 19.09.2025 the accused had been identified in a Test Identification Parade. On his release, the accused would commit serious offences like this. Two accused are yet to be arrested. The investigation in respect of those crimes is being conducted. On release of the accused, the possibility of destroying evidence, concerning those matters cannot be ruled out. There are

three more crimes pending against the accused at different Police Stations. Hence, the application may be rejected.

- 4) Heard both sides and perused the record.
- 5) Ld. Advocate Mr. B. V. Ghegade 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.
- 6) Ld. Advocate for accused would submit that though the previous application has been rejected, now the charge-sheet has been presented and further detention of the accused is not must.
- 7) Ld. Advocate for the accused would rely on the citations, thus: (i) **Bhanu Singh Gurjar Vs. The State of Madhya Pradesh, (In Misc. Criminal Case No.52921 of 2025, Judgment dated 27.11.2025)**. In that case the accused who had not been identified in Test Identification Parade, was granted bail; (ii) **Mr. Y Vs. State of Rajasthan and Anr., (In Criminal Appeal No.649 of 2022)**. Wherein, the Hon'ble Apex Court was pleased to make observations while cancelling the bail by allowing the appeal; (iii) **Rajesh Babunandan Shah @ Damchya Vs. The State of Maharashtra, (Criminal Application No.341 of 2006, Judgment dated 14.03.2006)**. Wherein, the Hon'ble Bombay High Court was pleased to observe that merely because there were other cases pending, the accused cannot be denied bail; and (iv) **Moti Ram & Ors. Vs. State of M.P., (1978 AIR 1594)**. Wherein, the Hon'ble

Apex Court was pleased to observe that the burden of detention of the accused frequently falls heavily on the innocent members of the family of the accused.

8) Ld. A.P.P. would submit that the offence is serious, including punishable under section 111 of the Bharatiya Nyaya Sanhita, 2023. The accused has been identified in Test Identification Parade. There are various crimes pending against him. It is submitted that the accused is not entitled to be released.

9) It is seen that the bail application of this accused came to be rejected previously. Thereafter, section 111 of the Bharatiya Nyaya Sanhita, 2023 (organized crime) is stated having been applied.

10) Bail application of co-accused Somnath Chavan came to be rejected today.

11) The accused has been in the custody from 06.08.2025. However, considering together the aspects that the nature of crime is serious, there being various cases pending against the accused of the like nature and possibility of committing serious offences, he is not entitled to be released, at this stage.

12) The ratio laid down in the cited cases (supra) relied by the accused, are not helpful to the accused as the facts & circumstances in the cited cases were different than those are in the present case.

13) All other aspects need not be gone into detail at this stage. All in all, 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: 09.12.2025.

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