


MHRG170019542025 	Sessions Case No. 147/2025 State of Maharashtra ... Prosecution Vs. Kunal Rohidas Dhamale ... Accused
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ORDER BELOW EXH. 5

1] This is an application filed by accused/applicant **Kunal Rohidas Dhamale** under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (in short “BNSS”) for grant of bail.

2] I.O. has filed say to this application at Exh.6 and thereby strongly opposed the application.

3] Perused application, say thereon and documents produced on the record. Heard both sides.

4] Accused/applicant was arrested on 01/06/2025 and he was remanded in Magisterial custody on 09/06/2025. The accused is charge-sheeted for the offence punishable under Section 103(1), 109 of the Bharatiya Nyaya Sanhita, 2023.

5] Ld. Advocate Shri. S.P. Patel for accused/applicant submitted that the alleged incident occurred in a sudden fight without premeditation. There was no prior enmity between the applicant/accused and deceased. Weapon used in the commission of crime is recovered, hence nothing is to be recovered at the instance of the applicant/accused. Accused/applicant is only bread winner of his family. The

applicant has no prior criminal record. Investigation is completed. Charge-sheet has been filed. The accused/applicant is in prolonged incarceration, which is unjustified. Applicant is ready to obey any conditions to be imposed by the Court. The alleged act falls under exception 4 of Section 101 of the BNS.

6] Ld. Addl. P. P. Shri. Rajendra Yerunkar submitted that offence is of serious nature. Though charge-sheet is filed, considering the nature and gravity of the offence it is not proper to release the accused on bail. If accused is released on bail, he will be pressurize the prosecution witnesses. Hence, prosecution prayed for rejection of bail.

7] Perused application, say and record of the case. Informant Aditi Chaitnya Mhatre is residing in Room No.103, Shambhuraje Apartment, Karanjade, Panvel, District- Raigad. She is residing in the said room along with her husband on rental basis, since last two years. Her husband Chaitnya was working as a supervisor on the construction site of contractor Vaibhav Deshmukh. On 31/05/2025, her husband went on his daily work. At about 12.00 noon, informant went to throw garbages in the dustbin. At that time, she noticed that accused/applicant was sitting on staircase of first floor. At about 1.00p.m., informant's husband came at home for lunch. He also noticed that the accused was sitting on staircase of the first floor. Informant informed her husband that the accused/applicant was sitting in staircase since morning. Therefore, informant's

husband asked the accused/applicant as to why he was sitting there without reason. At that time, accused/applicant told that, he is villager and he is residing at Chinchpada. The accused/applicant also told the informant's husband that, "do you know who I am? And you do not know what I will do?" Informant's husband informed the said thing to owner Smt. Shashikala Gharat. Thereafter, informant's husband went to shop to get food, without telling informant. Thereafter, informant heard about quarrel. She recognized her husband's voice in the said quarrel. She reached to the spot of incident. She saw that accused/applicant was beating her husband with bat. Three other companions of the accused/applicant were beating the informant's husband with wooden log and fist and blow on head. Thereafter, people gathered there. Someone called police. Informant's brother Bhavesh Sondkar caught accused/applicant. Thereafter, informant's husband was taken for treatment at M.G.M. Hospital, Kamothe. Hence, informant lodged report in Panvel City Police Station for the offence punishable under section 109 read with 3(5) of the BNS.

8] The applicant was arrested on 01/06/2025. During treatment at M.G.M. Hospital death of injured was declared on 02/06/2025. The informant's husband succumbed to injuries sustained in the alleged incident of assault. Therefore, Section 103(1) of the BNS was added. The applicant was charge-sheeted for the offence of murder. During investigation police seized

CCTV Footage of the spot of incident. In the said CCTV Footage it is seen that the applicant was armed with wooden bat. There was scuffle between the deceased and applicant. The applicant was assaulting the deceased with wooden bat and caused head injury. The said bat was recovered at the instance of the present applicant under memorandum panchanama. The applicant caused grievous head injury to the deceased with wooden bat. The deceased succumbed to injury during treatment. Now, charge-sheet has been filed. From the material on record, prima facie it appears that, the applicant assaulted the deceased by wooden bat which caused death of the deceased. Prima facie, section 103(1) of the BNS is attracted. The offence is of serious nature. Considering the nature and gravity of the offence, I am not inclined to grant bail to the accused. As a result, I pass following order.

:: ORDER ::

1. Bail application (Exh.5) rejected.
2. Inform the concerned police station and jail authority, accordingly.

Panvel,
Dated :- 24/04/2026

(S. R. Chavan)
Addl. Sessions Judge
Panvel, Dist.-Raigad