



ORDER BELOW EXH.7

(Sachin Rajaram Bhamat vs. State of Maharashtra)

1. The applicant/accused has filed this application for bail under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 in connection with C.R.No.0175/2025 registered at Kudal Police Station, **for the offence punishable under Sections 74, 75(1)(i) and 332(c) of the Bharatiya Nyaya Sanhita, 2023.**
2. Notice was issued to the respondent. Investigating Officer and Learned P.P. have filed their say at Exhs. 9 and 10 respectively.
3. Heard Learned Adv. Shri. R. D. Bile for applicant/accused and learned Addl. P. P. Shri. R. V. Desai for the State.
4. It is argued on behalf of applicant that there is no prima facie evidence produced on the record to show that the applicant/accused is involved in the commission of alleged offence. Charge-sheet is filed in the Court and therefore, there is no need of accused for the investigation as investigation is completed by the investigation agency. The applicant/accused is falsely implicated in this case. The applicant/accused is 35 year old and only earning member of his family. His family totally dependent on him. The applicant/accused is educated and having reputation in the society. There is no criminal antecedents against him. This applicant/accused is resident of Kudal Taluka and working in same area. If the applicant/accused is released on bail he would be abide by the

conditions if any imposed by the Court. Hence prayed that application be allowed.

5. Learned Addl. P. P.Shri. Desai has argued that if the accused is granted bail, there is a strong possibility that he will commit a similar or even more serious cognizable offence again. If the accused is granted bail, there is a strong possibility of tampering with prosecution witnesses and he will not appear in the Court. Hence prayed to reject the application.

6. Perused the application and say. While considering an application for bail the Court has to exercise discretion in judicious manner and in accordance with the settled principle of law having regard to the crime alleged to have been committed on one hand and ensuring purity of trial of the case on the other. So also the Court has to take into consideration the quality of evidence against the accused persons and whether the accused passes the tripod test i.e. flight risk, possibility of tampering with the witnesses and gravity of the offence.

7. The F. I. R. prima facie discloses the involvement of accused in the said offence. But the investigation of said crime is completed and charge-sheet is also filed. Therefore, there is least possibility of tampering with prosecution evidence. The accused is from Kudal taluka and therefore there is no possibility of his absconding. There are no criminal antecedents against the applicant/accused. It is to be kept in mind that 'bail is rule and jail is an exception'. The alleged offences are punishable with imprisonment for less than 7 years. Thus alleged offences fall under category 'A' described in **Satender Kumar Antil vs. Central Bureau of Investigation, Miscellaneous Application No. 1849/2021**. The Hon'ble Apex Court is of the view that in case of offences falling in category 'A',

the Court is expected to exercise discretion in favour of the accused. Moreover detention in jail is not punitive. Taking into account absence of possibility of absconding of accused and tampering with prosecution evidence, applicant/accused is entitled to be released on bail subject to conditions. Hence I pass following order.-

ORDER

1. Application is allowed.
2. The applicant/accused **Sachin Rajaram Bhamat** is released on bail in C.R.No.175/2025 registered at Kudal Police Station, **for the offence punishable under Sections 74, 75(1)(i) and 332(c) of the Bharatiya Nyaya Sanhita, 2023**, on PR bond of **Rs.50,000 /- (Rupees Fifty Thousand Only)** with one surety in like amount, subject to following conditions :-
 - (a) The applicant/ accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and tamper with the prosecution evidence.
 - (b) The applicant/accused shall not commit any other offence.
 - (c) The applicant/accused shall furnish address proof, contact number of himself and his two relatives and in the event of change of address applicant is duty bound to inform the Court.

(Dictated and Pronounced in Open Court)

SINDHUDURG-OROS.
DATE – 22.08.2025

(V. S. DESHMUKH)
ADDITIONAL SESSIONS JUDGE,
SINDHUDURG- OROS.