

(CNR MHSN040002032026)

Cri. Bail Application No.28/2026.

(Manisha Prakash Nikam/Gund vs. The State of Maharashtra)

ORDER BELOW EXH.04

The applicant moved application as per Section 483 of B.N.S.S. for grant of bail in C.R. No.30/2026 of Kasegaon police station for the offences punishable under Sections 118(2), 118(1), 115(2), 189(2), 191(2)(3), 190, 352, 351(1)(2), 324(2) of the B.N.S. In said application she moved this application for grant of interim bail, till final hearing and decision of the main application. The notice has been issued to I.O. and A.P.P in main bail application.

2. Heard ld. Advocate for applicant at length.

3. In the application it is submitted that accused/ applicant is woman having three children having age of 15, 13 and 11 years respectively. There is no one present in the house to look after them as along with applicant, her family members who are the co-accused in this crime are in judicial custody. The interim bail application is moved on the ground that the elder daughter of applicant is studying in Xth Std. and presently her board examination is going on. Other children are also facing respective examinations as it is a specific period of conducting school examinations. The applicant have no criminal antecedents. Her entire family is in jail and there is no one to take care of the children during the crucial period of their examinations. Along with said ground, it is stated that the F.I.R. does not show any specific role played by applicant in present crime. The main accusation is against her husband and brother in law. The involvement of applicant in the crime is of such trifle nature that grant of any custody and detention is not justified. It is specifically submitted by ld. advocate for accused/applicant that the main

application for bail as per Section 483 of B.N.S. will take considerably long time for decision on merit. The accused with co-accused are taken in M.C.R. on dtd. 05.03.2026 and on the same day ld. Trial Court rejected bail application of all three accused persons without considering the merits of the case and the smallest involvement of applicant in the commission of offence. Hence considering said aspect the applicant may be released on grant of interim bail. To substantiate the arguments so advanced, ld. advocate for applicant has put-forth the Board Admission Card of daughter of applicant. It transpires that Board examination is going on and it will end on 18th March, 2026.

4. Ld. advocate for applicant while advancing arguments has placed reliance on the authority in the case of **“Mukesh Kisan Kurya Vs. State of West Bengal :2010 SAR (Cri) 550”**. It is vehemently submitted that the power to grant regular bail includes the power to grant interim bail. Therefore this application for interim bail is maintainable.

5. I have gone through the ratio laid down by Hon’ble Apex Court in this authority. It is observed therein that the power to grant regular bail includes the power to grant interim bail ending final disposal of regular bail application. This power is inherent in the power to grant bail, particularly in view of Article 21 of Constitution of India.

6. This aspect of power of Court to grant interim bail is very crucial. The offences levelled against the accused are under the provisions of newly enacted Bhartiya Nyaya Sanhita to which the provisions of newly enacted Bharitya Nagarik Suraksha Sanhita are applicable. Section 483 of B.N.S. does not incorporate the provision

of interim bail. In said eventuality the ratio laid down in the authority as cited supra is very important and can be made applicable as the law of precedent. It is laid down in the authority that grant of regular bail includes the power of grant of interim bail also. Same analogy we used to make applicable to the crime involving allegations regarding violation of provisions of SCST Act as well as the offences having punishment which may extend to 7 years and where say of victim is necessary. The power of granting interim bail is being exhausted legally in such crucial circumstances. The power to grant interim protection has its own object to protect a persons considering his entitlement to the right to life provided under Article 21 which has been specified in the above authority. Hence I have considered the application for grant of interim bail.

7. So far as the merits of this particular case is concerned, it transpires that informant has given the complaint and F.I.R. is registered on the basis of his statement recorded while admitted in hospital. At present juncture, there is no material on record to clarify the seriousness of his health. However if the F.I.R. is perused, it transpires that this applicant has allegedly assaulted the informant by means of wooden stick. The vital portion of body over which the assault is made has not been specified in the F.I.R. Prima facie it transpires that the allegations against applicant if considered alone keeping aside the provision of common object and unlawful assembly relates to causing simple injury only. The investigation regarding said offence ought to have been completed within the period of police custody. Police has claimed judicial custody which shows that investigation requiring interrogation is no more required. Above all the interim bail is sought on the ground of the urgent need of presence of applicant in her family with her children, who are undergoing school examinations and board examination during this

period. To my mind, said aspect needs specific and lenient consideration for grant of interim bail.

8. The merits of main bail application and the entitlement of applicant for regular bail would be considered after receiving reply of investigation officer and ld. A.P.P. At present juncture, I hold that applicant may be released on interim bail, in the interest of justice, till final decision of main application for regular bail. Hence, I proceed to pass following order.

ORDER

1.	Application is allowed.
2.	Applicant viz. Manisha Prakash Nikam/ Gund be released on interim bail in C.R. No.30/2026 of Kasegaon police station for the offences punishable under Sections 118(2), 118(1), 115(2), 189(2), 191(2)(3), 190, 352, 351(1)(2), 324(2) of the B.N.S. on her executing P.R. Bond of Rs.50,000/- (Rs. Fifty Thousand only) with surety in the like amount, till disposal of main Bail Application.
3.	Applicant shall attend concern Police Station on every alternate day till final decision of main bail application.
4.	The applicant is directed to maintain peace during the period for which she is enlarged on interim bail and not to engage herself in any similar crime.
5.	It is further directed that applicant shall not meet or attempt to meet the informant, his family members and witnesses and further directed not to commit any act of tampering.
6.	Bail before Ld. Trial Court/ Remand Court.

Date : 07/03/2026.

(A. H. Kashikar)
Additional Sessions Judge,
Islampur.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer : S.W.Pathan, Steno, (Grade-I)
Court Name : Adhoc District Judge – 1 & Addl.
Sessions Judge, Islampur.
Date : 07/03/2026.
Signed by PO. on : 07/03/2026.
Uploaded on : 07/03/2026.