

MHST01-001539-2023



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA
Sessions Case No.63 of 2023

State of Maharashtra ...Complainant

Vs.

Ravi Balwant Yadav etc. 3 ...Accused

Mr. V. V. Rushi, Advocate for accused.

Mr. A. A. Chikane, Advocate for the informant.

Mr. N. D. Muke, A.P.P. for State.

Coram: Mr. S. R. Tamboli,
The Addl. Sessions Judge, Satara.

:: ORDER BELOW EXH.179 ::

01. In the instant application accused Ravi Balwant Yadav has prayed for bail as per Section 483 of BNSS.

02. The case of prosecution is that, deceased Sunil Shankar Bhoite is the brother of the informant Mohan Shankar Bhoite. Accused no. 4 Chaya is the wife of another brother of deceased and informant. Accused no.4 has two daughters namely, Reshma and Sushma. Accused no. 1 Ravi Balwant Yadav is the husband of Reshma and No. 2 Sandip Balwant Yadav is the husband of Sushma. Over the matrimonial dispute with her husband, accused no.4 has been residing separately since 1989. She has inherited immovable property bearing Gat no.633 from her mother, situated under the jurisdiction of 'Manmoda' village. She sold her share in this property to the accused no. 3 Umesh

Bhoite on 12.08.2022. Said land was under the cultivation of Namdev Shankar Bhoite. On this count, there was a dispute between accused no.4 and the family members of deceased. The land bearing Gat an. 625 was possessed by Shankar Bhoite. However, the mutation entry to that effect remained to be taken and this field was standing in the name of accused no. 4 in the revenue record. Namdev Bhoite had filed the civil suit bearing R.C.S.No 239/2022 against accused no. 4 and other co-sharers in the Court. On 17.04.2023 at about 07.07. pm, when the informant Mohan was at his home, his nephew Sai Sunil Bhoite infomed him on phone call that accused No. 1 and 2 came in Car when he was proceeding on the motorcycle of his father towards the field. They obstructed their motorcycle and on instigation of accused no. 2, accused no. 1 fired bullets on his father Sunil Shankar Bhoite. One Sherkitan Pathan and Fardin Pathan took the injured to Government Hospital. On receipt of this information, informant. Mohan rushed to hospital along with his wife. Informant Mohan came to know that Sunil Bhoite died due to the bullet injuries.

03. In the backdrop of these fact, Mr. V. V. Rushi Ld. Counsel for the accused submitted that, there is no prima face case against the accused. The F.I.R. is filed on the basis of heresay evidence. Prosecution has recorded the statement of the interested witnesses. Accused is in jail since long time. The report of the finger print expert is not helpful to the prosecution case. The ground of the arrest were not communicated to the accused as per Section 50 of the BNSS. Hence, he prayed that, accused be released on bail.

04. Per contra Mr. N. D. Muke Ld. A.P.P. for the state submitted that, accused has committed brutal murder of Sunil Bhoite. Said incident is witnessed by the son of the deceased. There is threat to his life. Accused has played active role in the commission of the offence. Due to the act of the accused, proceeding is delayed. Accused was arrested prior to the decision of the Hon'ble Supreme Court in the case of **Pankaj Bansal Vs. Union of India (AIR online 2023 SC 809)** Hence, the communication of the ground of the arrest in writing was not mandatory. Moreover, accused surrendered in the police station alongwith pistol. The remand report shows that, the ground of arrest were communicated to the accused. Accused were knowing well that he was arrested in connenction of offence of murder of deceased. The bail application of the co-accused has been dismissed by the Hon'ble High Court and Supreme Court. Hence, he prayed to dismiss the application. Mr. Chikane A. A. Ld. Counsel for the informant supported the argument of A.P.P. and prayed to dismiss the application.

05. To support the contention, Mr.V. V. Rushi Ld. Counsel for the accused placed reliance on the following citations.

- 1) **Pankaj Bansal Vs. Union of India AIR online 2023 (808)**
- 2) **Satender Kumar Antil Vs. CBI MANU/SC 0851/2022**
- 3) **Arnesh Kumar Vs. State of Bihar AIR 2014 SC 2756**
- 4) **Ajit Kisan More Vs. State of Maharashtra WP No.3119/2025 decided on 11/08/2025.**
- 5) **Vicky @ Vikky Vilas Kamble Vs. The State of Maharashtra Criminal Writ Petition No. 4283/2025 dt. 25/09/2025**
- 6) **Rahul Daaji Landge Vs. The State of Maharashtra W.P.No.4415/2025 dt. 09/09/2025**

- 7) Mahbubul Hoque Vs. State of Assam 2025 (3) GauLT 405
- 8) Hemang Jadavji Shah Vs. State of Maharashtra
W.P.No.2989/2025 dt. 30/05/2025
- 9) Ahmed Mansoor & Ors. Vs. State Criminal Appeal
No.4505/2025 dt. 14/10/2025
- 10) Smt. Sujata w/o Vilas Mahajan Vs. The State of Maharashtra
Through PSO PS Awadhoot Wadi, Yavatmal 2025:BHC-NAG:6601.
- 11) Prabir Vs. State (NCT of Delhi) 2024 CRI. L.J. 2450.
- 12) Mahesh Pandurang Naik Vs. State of Maharashtra and Anr.
AIR Online 2024 BOM 1240
- 13) Manulla M. Kanchwala Vs. State of Maharashtra 2025(1) ABR
(Cri.) 117
- 14) Director of Enforcement Vs. Subhash Sharma 2025 INSC 141
- 15) Vihaan Kumar Vs. State of Haryana & Anr. 2025 INSC 162
- 16) Vihaan Kumar Vs. State of Haryana & Anr. Arising out of
Special Leave Petition (Cri) No.13320 of 2024 SC 109
- 17) Gagan Vs. State (NCT of Delhi) 2025 DHC: 1402.
- 18) Marfing Tamang Alias Maaina Tamang Vs. State (Net of
Delhi) AIR Online 2025 DEL 83.
- 19) Sachin Mahipati Nimbalkar Vs. The State of Maharashtra
2024 BHC-AS:42737
- 20) Sakib Choudhury s/o Safique Choudhury Vs. The State of
Assam GAHC010046762025
- 21) Thokchom Shyamjai Singh & Ors. Vs. Union of India Through
Home Secretary & Ors. In the Court of Delhi W.P.(Cri.) 1929/2024

& Cri.M.A. 18784/2024 20th February,2025

23) Ashish Kakkar Vs. UT of Chandigarh Criminal Appeal No.1518/2025 SC

24) Ashish Kakkar Vs. UT of Chandigarh Special Leave to Appeal (Cri.) No.1662/2025 SC

25 Vikas Chawla @ Vicky Vs. The State of Nct of Delhi on 28th March,2025.

26) Kasireddy Upender Reddy Vs. State of Andhra Pradesh and Ors. 2025 INSC 768

27) Mihir Rajesh Shah Vs. State of Maharashtra 2025 INSC 1286.

06. Relying on the ratio laid down in the abovesaid cases, Mr. Rushi Ld. Counsel for the accused contents that, the communication of the grounds of arrest in writing was mandatory. I.O. has not complied the mandatory provisions of the Section 50 of the BNSS. The detention of the accused is illegal. He prayed to release the accused on bail

Prima facie case :-

07. The FIR prima facie shows the name of the present accused. The statement of the witnesses shows that, accused had repeatedly threatened to kill the deceased. Accused committed murder of deceased by firing pellets from the revolver. It is seized by the police. The statement of child witness shows that, on the date of incident accused Ravi fired five pellets of the revolver on his father. Therefore, there is prima facie case against the accused.

Illegal detention :-

08. No doubt, the arrest memo does not show specifically about

the communication grounds of arrest in writing. However, it has been mentioned in the arrest panchanama that grounds of the arrest were informed to the accused. Said arrest panchanama is prepared on 18/04/2023.

09. The Hon'ble Supreme Court interpreted the provisions of the PMLA Act in the case of Pankaj Bansal (Supra) observed that the communication of the grounds of arrest should be made in writing in regard to PMLA and other acts. In the case of Prabir Purkayastha (Supra), the Hon'ble Supreme Court observed that the law laid down in the case of P.K. Bansal (Supra) is binding on all the courts as per Article 141 of the Constitution. Therefore, it is for the first time in the case of P.K. Bansal (Supra), the Hon'ble Apex Court observed that communication of the grounds of arrest in writing is mandatory. Said judgment was delivered on 4th October, 2023. The arrest 'Panchnama' shows that the accused was arrested on 18/04/2023. Therefore, the accused has been arrested prior to the decision in the case of P.K. Bansal (Supra). Hence, the citations relied upon by the learned counsel for the accused are not helpful to support his contention.

10. The ratio laid down in the cases of **Vihaan Kumar (supra)** and **Mihir Shah (supra)** has not been made applicable retrospectively. In my opinion, it is mandatory to communicate the grounds of the arrest in writing to the accused since the decision of the case P. K. Bansal (Supra) which is delivered on 4th October, 2023. Hence, the citations relied upon by the learned counsel for the accused are not helpful to support his contention.

11. In the case of **Mihir Shah (supra)** the Hon'ble Supreme Court has observed as under,

"After having come to the above conclusion, it is pertinent to note

that the provision of law under Section 50 of CrPC 1973 (Section 47 of BNSS 2023) does not provide for a specific mode of or time frame for communication of the grounds of arrest to the person arrested. This Court in Prabir Purkayastha (supra), held that the grounds of arrest be conveyed to the arrestee in writing in all offences at the earliest, which means it need not be given at the time of arrest but within a reasonable time thereafter, for offences under all the statutes, which period would be as has been laid down. above in this order.

We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth."

12. The ratio laid down in the aforesaid case show that, prior to the decision in the case of **P. K. Bansal** (Supra), it was not mandatory to communicate grounds of arrest in writing. In the present case, accused was informed the ground of arrest in form of remand report, charge-sheet etc. The grounds of arrest needs to be communicated in writing from the date of decision of the Hon'ble Apex Court in the case of **P.K. Bansal (Supra)**. The mandate about communication of grounds in writing has not been made applicable retrospectively. Hence, citation relied by the learned counsel are not helpful to support the contentions of the learned counsel for accused.

13. Moreover, in the present case, accused surrendered in the police station alongwith pistol. It is evident from the station diary dated 17/04/2023 recorded at about 08.19 p.m. It is important to note that, FIR is registered on 18/04/2023 i.e. after surrender of the accused. Accused is arrested on 18/04/2023. Hence, it cannot be said that there is a breach of the provisions of the Section 50 of the BNSS. I find no substance in the contention of the Ld. Counsel for

the accused.

Long detention :-

14. Mr. Rushi Ld. Counsel for the accused contended that, accused is in jail since longtime. Hence, he prayed to release the accused on bail.

15) However, this court is enquiring with the accused for conducting the trial since August-2025. At no point of time accused showed willingness to conduct the case. He sought repeatedly adjournment to argue on the charge. Hence, due to act of the accused, there is no progress in the trial. Long detention of the accused is only due to the act of the accused. Hence, long detention is not the ground to release the accused on bail.

Other Constitutions :-

16) Accused committed murder of deceased by firing pellets from revolver. The son of the deceased witnessed the incident. He is a child witness. There is threat to his life. The possibility of tampering of the evidence cannot be ruled out. The offence is serious. The court can not overlook the public outcry. The possibility of repetition of the offence cannot be ruled out. Hence, this is not a fit case to release the accused on bail. In the result, I pass following order

ORDER

Application is dismissed.

Place : Satara
Date- 08.12.2025.

(S.R.Tamboli)
Addl. Sessions Judge, Satara