

**MHST010017862024****IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA  
SESSIONS CASE No.64 of 2024****State of Maharashtra      ...Complainant****Vs.****Rajesh Magaru Ram      ...Accused**

Mr. P. S. Kadam Advocate for applicant

Mr. M. H. Oak, A.P.P. for the State.

**Coram:      Mr. S. R. Tamboli,  
                 The Addl. Sessions Judge, Satara,****:: ORDER BELOW EXH. 3 ::**

In the instant application, the applicant prayed to release him on bail as per Section 483 of BNSS.

02.            In short, the factual matrix as described in the FIR reveals that Ramachandra, the informant was working on a construction site at Saigaon with contractor Bramha Birja Yadav. He was residing in a shed near to the construction site. The shed of Bramha Yadav was also near to his shed. Accused Rajesh Magru Ram was residing in the shed of Bramha. On 08-07-2024, the informant had slept in his shed. Bilas Prabhu Ram and accused Rajesh Magru Ram had also slept in the shed of Bramha. On 09-07-2024, at about 12:30 a.m., Bramha knocked on the door of his shed and told the informant that Rajesh assaulted him with a knife and he should be carried to a doctor quickly. The

informant and his roommate woke up. They came out of the shed. Bramha had sustained a bleeding injury to his throat. On inquiry, Bramha told them that the accused gave a blow of a knife on his throat. Thereafter, they went in one house in Saigaon and knocked on the door of the house and narrated the incident to him. They made arrangement of the vehicle. Thereafter, the informant carried Bramha to the hospital.

03. In the backdrop of these facts, Mr. P.S. Kadam, learned counsel for the accused, submitted that the injury sustained to Bramha is a simple injury. There is no prima facie case of the offence punishable under Section 109 of the BNS. The police have also not communicated the accused, the reason of the arrest. There is violation of Section 50 of the BNSS. There is no criminal antecedent against him. The accused is implicated in a false case as he demanded the amount of his work. He is having a permanent residence. He is ready to abide by the conditions, as may be imposed by the court. Hence, he prayed to release the accused on bail.

04. Mr. P.S. Kadam, learned counsel for the accused, placed reliance on the decision of the Hon'ble Supreme Court in the case of **Vihaan Kumar Vs. State of Haryana and another, AIR Online 2025 SC 87**. In said case, the Hon'ble Supreme Court observed as under:

*“25. A contention has been raised in the written argument that the grounds of arrest were incorporated in the remand report. This contention has been raised for the first time in written submissions before this Court. This is not pleaded in the reply filed before the High Court and this Court. The police submit a remand report before the learned Magistrate for seeking remand without serving a*

*copy thereof to the arrestee. The reason is that the Police cannot divulge the details of the investigation to the accused till the final report is filed. Mentioning the grounds of arrest in the remand report is no compliance with the requirement of informing the arrestee of the grounds of arrest.*

05. Relying on the ratio laid down in the said case, Mr. P.S. Kadam, learned counsel for the accused, contends that the arrest memo is blank. Therefore, the reasons for the arrest have not been communicated to the accused. The subsequent disclosure of the reasons for the arrest in the remand report is not sufficient compliance of Section 50 of the BNSS.

06. Per contra, Mr. M. H. Oak, Ld. P.P. for the State submitted that offence alleged against the accused is serious. Charge-sheet is filed against the accused. Accused may tamper with the evidence and pressurize the witnesses. He is permanent resident of Bihar State. Hence, possibility of absconding accused cannot be ruled out. Hence, he prayed to reject the application.

07. No doubt, the arrest memo shows the absence of the date and place about the communication of the reasons for the arrest. However, in a remand report, the reasons for the arrest have been mentioned. The advocate had represented the accused while the accused was produced before the court. Therefore, it can be presumed that the reasons for the arrest were communicated to the accused at the time of the first remand. The ratio laid down in the case of **Vihaan Kumar (supra)** is distinguished by the Hon'ble Supreme Court in the case of **State of Karnataka Vs. Sri Darshan Etc., 2025 INSC 979**. In said case, the Hon'ble

Supreme Court observed as under:

*20.1.7. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on Pankaj Bansal and Prabir Purkayastha is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail.*

08. The ratio laid down in the said case clearly shows that failure to communicate the grounds of the arrest is not a ground for bail. Hence, the ratio laid down in the case of **Vihaan Kumar (supra)** is not helpful to support the contention of the learned counsel for the accused. Learned counsel for the accused has also not put forth any prejudice suffered by the accused. On the contrary, the arrest memo shows that the reasons for arrest were communicated to the relatives of the accused and subsequently reasons for arrest were communicated in the remand report. The accused was represented by the advocate. Hence, the custody of the accused does not become illegal ipso facto. Hence, the ratio laid down in the case of **Vihaan Kumar (supra)** is not helpful to support the contention of the learned counsel for the accused. I find no substance in the contention of the learned counsel for the accused.

09. The FIR prima facie shows that in the nighttime, Bramha went to the shed of the informant in an injured condition and stated that accused Rajesh attacked him with a knife. The statement of Bramha also shows that the accused attacked on his throat with a knife. Moreover, the medical certificate shows that Bramha sustained injury to his throat. He sustained an injury on a vital part of the body. It ultimately shows the intention of the accused. Hence, there is a prima facie case against accused for the offence punishable under Section 109 of the BNS. The accused is a resident of the state of Bihar. His presence will not be secured. The court is ready to take matter at an earliest. There is a prima facie case against the accused. Hence, no case is made out by the accused for grant of bail. In the result, I pass the following order :

### **ORDER**

Application (Exh.3) is dismissed.

Date- 19/09/2025

( S.R.Tamboli )  
District Judge-2 &  
Addl. Sessions Judge, Satara