

MHST190000572026



IN THE COURT OF ADDITIONAL SESSIONS
JUDGE, WAI
CRIMINAL BAIL APPLICATION NO. 19 OF 2026

Rushikesh Jagannath Malekar
 Age- 29 years, Occ. Service,
 Resident at Shindewadi,
 Tq. Khandala, District- Satara.

... Applicant

..Versus..

State of Maharashtra
 (through APP Wai,
 P.I. Police Station, Shirwal.)

... Non-applicant

Structured framework as per Order of the Hon'ble Supreme Court of India in Cr.
 Appeal No.825 of 2026 Arising out of SLP (Cri.) No.12669 of 2025) in Zeba Khan Vs.
 State of U.P

(A) CASE DETAILS

FIR No. & Date	C.R.No. 446/2025 dated 27.12.2025
Police Station District & State	Shirwal Police Station, Taluka Khandala, District Satara, State- Maharashtra
Section invoked	103(1)3(5) of Bhartiya Nyaya Sanhita, 2023
Maximum Punishment prescribed	Death

(B) CUSTODY & PROCEDURAL COMPLIANCE	
Date of Arrest	29.12.2025
Total period of custody undergone	72 days
(C) STATUS OF TRIAL	
Stage of proceeding (Investigation / Charge-sheet / Cognizance / Framing of Charges / Trial)	Investigation
Total number of witnesses cited in the charge-sheet.	NA
Number of prosecution witnesses examined	NA
(D) CRIMINAL ANTECEDENTS	
FIR No & Police Station	NA
Sections	NA
Status (Pending /Acquitted / Convicted)	NA
(E) PREVIOUS BAIL APPLICATIONS	
Court	First Bail Application
Case No.	--
Outcome of case	--

(F) COERCIVE PROCESSES	
Whether any Non-Bailable Warrant was issued	NA
Whether declared as proclaimed offender	NA

ORDER BELOW EXH.1
(Passed on this 12.03.2026)

The applicant-accused Rishikesh Jagannath Malekar has filed this application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (for short 'B.N.S.S. '), in connection with Crime No. 446/2025 registered with Shirwal Police Station, for the offences punishable under Sections 103(1) read with Section 3(5) of Bhartiya Nyaya Sanhita, 2023.

2] It is contended that the applicant-accused has been falsely implicated in the aforesaid crime. He was put under arrest on 29.12.2025 and since then he is behind the bars. The applicant-accused has no nexus with the alleged crime. Nothing would be achieved by keeping the accused behind the bars. The applicant-accused has been falsely implicated on the basis of suspicion. There is no strong and cogent evidence against the applicant-accused. There is no motive, intention or preparation on the part of the applicant-accused. Further, there is no

criminal antecedents. The case is based upon circumstantial evidence. There is no direct evidence or eye-witness to show the involvement of the applicant-accused in the alleged crime. The alleged offence is not punishable with death or imprisonment for life. The applicant-accused is ready to co-operate for the investigation. Hence, this application.

3] The prosecution filed reply vide Exh.10 and resisted this application by contending that the applicant-accused and co-accused have committed murder of the deceased. The applicant-accused and his associates assaulted the deceased by means of wooden logs, kick and fist blows on his face and head and the deceased died. The clothes of the applicant-accused have been seized and sent for chemical analysis. The presence of the applicant-accused at the spot of incident is noticed in CCTV footage. The vehicles used in the commission of the offence, so also the weapons used for the commission of the offence is seized as per the disclosure statement made by the applicant-accused. There are eye-witnesses who witnessed the incident of assault by the applicant-accused and his associates to the deceased by disrobing him. The motive is yet to be ascertained. Before the incident, the applicant-accused and the co-accused have threatened to the mother of the deceased. The applicant-accused and co-accused had asked to the mother of the deceased to withdraw the criminal case against them. The applicant-accused and co-accused have committed serious offence. The investigation is in progress. So, urged to reject the application.

4] The defacto informant also filed reply vide Exh.5 and

resisted this application by contending that the recovery of the weapon at the instance of the applicant-accused prima facie shows his involvement in the serious and heinous offence. So urged to reject the application.

5] Heard the Ld. Advocate appearing for the applicant-accused, Ld. Addl. PP for the prosecution and Ld. Advocate for the defacto informant. Gone through the FIR, remand papers and police papers.

6] The FIR is lodged by the father of the deceased. It is alleged in the FIR that on 27.12.2025 at or about 2:00 midnight, Prakash Narayan Dagade – son of maternal uncle resident of Palashi phoned him and told that the boys in the village Palashi assaulted his son Atish at 1:00 to 1:30 a.m., he is injured and he asked him to come immediately to Palashi. Informant told him that he cannot ride motorcycle and he asked Prakash to bring the injured to the hospital at Shirwal and he will be there in the hospital. The injured was brought in the hospital at Shirwal. By that time, he also reached there. The clothes of the injured Atish were torn, he has sustained bleeding injuries below his eyes, on face and on head. There were bumps / marks on his back. When he called the injured by saying, “Atish, what happened”. That time, the injured Atish replied that, Tejas Bhargude, his brother Satish Bhargude and their other associates in village Palashi assaulted him. Thereafter, he became unconscious. The doctor examined the injured and shifted him to Civil Hospital Satara. However, at 12:30 noon on next day, doctors declared him dead.

7] The postmortem report shows that there were 17 external injuries on the person of the deceased. Further, the memorandum statement of the applicant-accused shows that as per his disclosure statement, the vehicle car used in the commission of the offence has been seized. The statement of the witness Amol Gavade and other witnesses shows about the presence of the applicant-accused at the spot of incident. The applicant-accused and his associates brutally assaulted the victim and the victim succumbed to the injuries on next day of the incident. The nature of the offence is serious. It appears that only on the ground of suspicion that, the deceased was chasing on the motorcycle, the applicant-accused and his associates brutally beaten the deceased by means of weapon – wooden logs and caused his death. The N.C. complaint lodged by the mother of the deceased in the month of January 2026 (N.C.No. 40/2026) also shows that some persons were chasing her on motorcycle and threatened for withdrawal of the complaint lodged by her else to face dire consequences. Thereafter, the deceased was brutally beaten and killed.

8] The nature of the offence is serious. The investigation is in progress. The presence of the applicant-accused and his complicity in the alleged crime is established by the statements of the witnesses as well circumstantial evidence i.e. the CCTV footage and his presence at the spot. Considering the seriousness of the offence, its gravity, the applicant-accused doesn't deserve to be enlarged on bail. Hence, the following order.

ORDER

1. The application is hereby rejected.
2. Inform to the concerned Investigating Officer accordingly.

Wai
Date: 12.03.2026

(D.B.Mane)
Addl. Sessions Judge, Wai.