

ORDER BELOW EXH.6

(State of Maharashtra Vs Mukesh Atram + 2)

1] The present application for bail has been filed on behalf of the accused no.1 Mukesh Atram along with two others who has been charge-sheeted by the Deoli Police Station for the offences punishable under section 109, 118(1), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (here-in-after referred to as “ the B.N.S.”) and for the offence punishable under section 4 r/w section 25 of the Indian Arms Act (here-in-after referred to as “the M.V. Act”).

2] A perusal of the charge-sheet will show that the incident in question had occurred in the night on 13-6-2025. At that time, the informant – Maniklal Sharma along with his brother and son were coming out to sleep in the area in front of their room. After sometime, a tall boy came there and started taking away pieces of iron rods from the said place. The informant shouted at the said boy and stopped him from doing so. That boy then started abusing the informant, hearing which Bhulo Sharma, Karma Sharma and the informant’s son Rupesh Sharma went to catch him. At this, out of the three boys, one named Gajani took a sharp instrument made out of iron and assaulted the informant with the same on his head, forehead and right hand. Bhulo Sharma, Karma Sharma and Rupesh Sharma also came to be assaulted. The injured were then taken to the Rural Hospital at Deoli where the doctor examined and treated them. The accused no.1 Mukesh Atram and the accused no.2 Santosh Patmase came to be arrested on 14-6-2025. Mangesh Patmase i.e. accused no.3 came to be arrested on 15-6-2025. After the necessary investigation the charge-sheet in the matter came to be filed subsequent to which it came to be committed to the court of Sessions Wardha.

3] As per the application for bail, the accused no.1 has been falsely implicated in the matter as there is no direct or indirect evidence available against him. Further, stating that this accused is a permanent resident of the Indra Rani Nagar, Deoli where he has movable and immovable property due to which there is no possibility of he absconding, that this accused has been in the jail for more than three months, that the charge-sheet having been filed there is no reason for his continued detention, he as per his Advocate is entitled to bail. Not only this, but stating that the medical report of the informant is contrary to the complaint made by him, that the accused is not known by the name "Gajani", that nothing is required to be seized from him and that he will not tamper with a prosecution witnesses or abscond and shall abide by all the terms and conditions which may be imposed upon him, his Advocate is seeking his release on bail.

4] The Id.APP has filed his reply (Exh.8). Therein the facts of the incident have been stated after which it has been contended that the offence in question is extremely serious in nature. It has then been pointed out that the accused is an antisocial element, that his release will result in the injured and the other witnesses facing a threat to their lives and that the said accused will try to pressurize the witnesses, and may commit further serious offences. Hence, he is seeking the rejection of the application.

5] A perusal of the FIR as registered by the Deoli Police Station will show that on 13-6-2025 in the night, when the informant and his relatives were coming out to sleep, the informant had seen a tall boy stealing pieces of iron rod from the spot. He had then obstructed him i.e. the said boy, who had then started abusing the informant. Thereafter, out of the three persons the boy called Gajani - as per the informant, assaulted him with a sharp weapon made out of iron. His son and other relatives also suffered injuries in the assault. Rupesh Sharma, Karma Sharma, Bulbul @ Bhulo Sharma have in

their statements, implicated all the three accused persons in the crime in question. Surprisingly, however, a perusal of the statement of the informant and Bhulo Sharma as recorded under section 183 of the BNSS will show that therein, though they have stated the fact of three persons having come and assaulted them, the said persons as per the witnesses were unknown to them. Though Maniklal Sharma – the informant stated that he will be able to recognize those persons on seeing them, the Investigating officer has, as pointed out by Shri Verma Advocate not conducted any identification parade regarding the accused persons. Further, Bhulo Sharma has in his statement, gone to the extent of saying that he will not be able to identify those persons even on seeing them. I am therefore, of the opinion that the material as available on the record regarding the involvement of the accused no.1 Mukesh Atram in the crime in question, is questionable in nature.

6] Further, all the injured persons appear to have recovered by now. The apprehensions as expressed by the Id. APP regarding the accused persons threatening the lives of the informant and the other victims, pressurizing the witnesses and even absconding, can be dealt with by imposing the appropriate conditions. It will also have to be noticed that though the Id. APP has contended that the present accused is an antisocial element, he has not specified the crimes pending against him. In the result, as the investigation is also complete, I am of the opinion that the accused no.1 has been able to make out a case for grant of bail. Hence, I proceed to pass the following order.

ORDER

1] The application stands allowed.

2] The applicant Mukesh Mahadev Atram who is arrested in crime no.450/2025 registered by Police Station Deoli for the offences punishable under sections 109, 118(1), 352 and 3(5) of the B.N.S. and punishable

under section 4(25) of Indian Arms Act is released on bail on executing a P.R. bond of Rs.20,000/- and furnishing one solvent surety in the like amount on the following conditions-

- a) That he shall not contact or threaten the informant or any other prosecution witnesses in any way.
- b) That he shall attend the trial on each and every date unless exempted.
- c) That he shall furnish the details of his residence, contact number to the Investigating Officer.
- d) That he shall furnish the details of three of his blood relatives along with the necessary documents regarding their identification and address.

Date : 16.03.2026

(Ms. S.J. Ansari)
Addl. Sessions Judge, Wardha.

Certificate

"I affirm that the contents of the P.D.F. File order are same word for word as per original order.

S.V. Dakhane,
Stenographer G-1