

MHTH060028352026



Cri. Bail Appln. No. 1410/2026

Vijay Atmaram Sonawane V/s. State.

CNR NO. MHTH060028352026

ORDER BELOW EXH. 1

(Passed on 13.07.2026)

01. This is an application filed on behalf of applicant/accused No.2 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 who is apprehended arrest by Ulhasnagar Police Station in connection with Crime No.I- 291/2026 for the offence punishable under Sections 118(1), 351(2) read with Section 3(5) of The Bharatiya Nyaya Sanhita, 2023.

02. As per informant incident took place on 17.06.2026 at about 3.30 p.m. According to informant he heard same loud voice and noticed that somebody has thrown stone on the tin-sheet of their building. It has been alleged on behalf of informant that accused No.1 came down from the terrace of building and asked informant as to whether he has given abuses and delivered threats to assault him. The informant has alleged that present applicant caught hold him and then accused No.1 has assaulted him by means of wooden rod on his head whereby blood started oozing from his injury. As per informant he has been taken at Central Hospital, Ulhasnagar and thereby he has given report against two accused persons.

03. As per the applicant he is innocent, never committed any kind of offence and no specific role has been shown to him claiming that he assaulted the informant. According to informant no any weapon used by him and therefore no question arise of recovery. It has been added on behalf of applicant that investigation is completed and he is ready to obey the terms and conditions which may be imposed by the court while releasing him on anticipatory bail. As per applicant he is the neighbourer of informant and since the informant was assaulting his cousin maternal nephew by using bat, kick blows, since he rushed there to save his nephew, his name has been falsely implicated in the report.

04. The investigating officer by filing say at Exh.4 has objected the application stating that name of present applicant is mentioned in first information report. It has been contended on behalf of the investigating officer that weapon i.e. wooden rod which used while commission of offence is to be recover at the instance of accused persons and so application may be rejected. Furthermore the investigating officer has objected the application stating that informant, accused are residing in same locality and therefore possibility of pressurizing the informant and prosecution witnesses cannot be ruled out.

05. Heard the learned advocate for applicant and the learned Assistant Public Prosecutor. Perused the documents

submitted along with List at Exh.3 and case papers on which the investigating officer has placed his reliance. After perusal of first information report it reveals that there are specific allegations against present applicant that he came out from the house and caught hold both hands of informant and instigated accused No.1 to assault the informant. After perusal of second part of first information report it reveals that the accused No.1 Monty has caused assault on the head of informant by using wooden rod and thereby the informant sustained bleeding injury on his head. So even though, prima facie, the role of present applicant appears to be limited, his intention and involvement in the crime can be seen by assessing the circumstances on spot. So let us see the line of investigation.

06. It is admitted fact on record that both accused are closely related to each other and till today they are avoiding their arrest. After perusal of documents placed on record it reveals that spot panchanama has been prepared on 18.06.2026 demonstrating the location on spot and at the same time the injury certificate of informant has been collected showing that there are two injuries; out of which second injury is grievous and thereby the investigating officer has forwarded report for addition of Section 118(2) of the Bharatiya Nyaya Sanhita, 2023. It is relevant point to be noted that after C.T. Scan of brain it revealed that the linear undisplaced fracture noted at posterior wall of right maxillary sinus of the

informant. So from perusal of nature of injury it is crystal clear that the arrest of both the accused is necessary for the purpose of custodial interrogation as regard to recovery of weapon and to verify exact motive and intention to commit the crime.

07. The learned advocate for applicant has tried to submit that no any weapon used by him and therefore his physical custody in not warranted. As mentioned supra, the facts narrated in first information report disclosed the conduct of present applicant as he caught both hands of informant, instigated co-accused to assault the informant whereby accused No.1 has made attack on the informant by giving blow of wooden rod. Resultantly, by considering the complicity of present applicant in the crime, pending recovery of the weapon and apprehension that the present applicant may help co-accused to ran away, he cannot be released on anticipatory bail. Hence, I proceed to pass the following order.

ORDER

- 1] Application is hereby rejected.
- 2] It is clarified that the observations in this order are limited for the purpose of deciding present bail application only and I have not made any observations on merits of the case.

Dt. 13.07.2026

(R.V. Tamhanekar)
Additional Sessions Judge,
Kalyan

CERTIFICATE

I affirm that the contents of this PDF file Order are same word to word, as per the original Order.

Name of Stenographer	:	S.V. Sawant (Stenographer Grade-1)
Court	:	Additional Sessions Judge, Kalyan
Dated	:	13.07.2026
Order signed by the Presiding Officer on	:	13.07.2026
Order uploaded on	:	13.07.2026