



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

17 CRIMINAL WRIT PETITION NO. 794 OF 2025

Poornima Sachin Chordiya,
Age: 43 Years, Occ. Housewife,
R/o. Kakasat Chauk, Bhadgaon,
Tq. Bhadgaon, Dist. Jalgaon.

... Petitioner

Versus

- 1) The State of Maharashtra,
Through its Principal Secretary,
Home Department, Mantralaya,
Mumbai, Maharashtra State.
- 2) The District Magistrate,
Jalgaon.
- 3) The Executive Magistrate,
Bhadgaon, Dist. Jalgaon.
- 4) The Learned Police Inspector,
Bhadgaon, Dist. Jalgaon.
- 5) Yogesh Suresh Ganje
Age: Major Years, Occr. Nil,
R/o. Near Bhavani Bag,
Bhadgaon, Dist. Jalgaon.

... Respondents

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Mr. Mohd. Aamir, h/f Mr. Harshal P. Randhir, Advocates for the Petitioner.
Mr. V. K. Kotecha, APP for Respondent / State.

...

**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 29th July, 2025.

Per Court:

. Heard the learned counsel for the petitioner.

2 The present petitioner seeks the following relief:-

“B) This Hon'ble Court by way of appropriate writ, order or directions, may kindly be directed the respondent authority to decide the representation / application dated 01/01/2025, 27/03/2025, 01/04/2025 and be please to direct the respondent authority to take action against the respondent No.5 under the provisions of Bhartiya Nagarik Suraksha Sanhita.”

3 The petitioner contends that an offence vide C.R. No.895 of 2024, came to be registered with Bhadgaon Police Station on 10th October, 2024, for the offence punishable under Sections 351(2), 324(4) with Section 110/117 of the Bharatiya Nyaya Sanhita, against one Yogesh Suresh Ganje i.e. present respondent No.5. Thereafter, the respondents authorities had filed Chapter Case bearing No.287 of 2024, under Section 126 of the Bharatiya Nagarik Suraksha Sanhita. Respondent No.5 / Yogesh Ganje then gave bond and undertook not to commit breach of the public peace and order. It is then stated that when the petitioner was at home on 23rd November, 2024, a

procession was going on after the election for the post of MLA and she states that respondent No.5 entered her house and threw the *Gulal* in her house. Respondent No.5 again unauthorizedly entered her house after ½ an hour once again threw *Gulal* from a sack / container on the petitioner to outrage her modesty. The offence vide C.R. No.434 of 2024 came to be registered under Sections 74, 79 and 329(4) of BNS. Now, the petitioner states that the subsequent FIR against respondent No.5 amounts to breach of the public peace and therefore, the respondents should take action for the encashment of the bond amount i.e. execution of the bond amount. However, when no such action is taken, she had made the representations / applications on 1st January, 2025, 27th March, 2025 and 1st April, 2025. It has fallen on the deaf ears of the respondents and therefore, she has approached this Court.

4 The learned counsel for the petitioner submits that Section 141(1)(b) of BNSS provides that if any person after having executed a bond or bail bond for keeping the peace in pursuance of an order of a Magistrate under Section 136, is proved, to the satisfaction of such Magistrate, then such Magistrate or his successor-in-office may, after recording the grounds of such proof, order that the person be arrested and detained in prison until the expiry of the period of the bond or bail bond and such order shall be without prejudice to any other

punishment or forfeiture to which the said person may be liable in accordance with law. As this action has not been taken, the petitioner states that the respondents be directed to decide the representations / applications of the petitioner.

5 Here, it is to be noted that it is the discretion of the concerned authority and at this stage what it appears is that on 11th October, 2024, the Resident Naib Tahsildar, Bhadgaon gave communication to the Taluka Magistrate i.e. Officer at Tahsil that the interim bond was taken by him and he filed the chapter proceeding against present respondent No.5 and the Resident Naib Tahsildar states that he is requesting that the interim bond should be taken for a period of one year. Thereafter, it appears that a notice was issued to present respondent No.5 and in the said notice it is stated that it is necessary to take bond from him and therefore, he should give show cause. It appears that thereafter, respondent No.5 gave a bond on 11th October, 2024. Here, it is to be noted that in the said notice it is not stated as to what would be the duration of the said bond. But in the bond, it is stated that it would be till the end of the inquiry. If we consider Section 126(1) of BNSS, then it provides for issuing show-cause-notice as to why such person should not be ordered to execute a bond or bail bond. In the notice also those wordings are used. However, it is to be noted that in the notice the date of appearance

was given as 14th October, 2024, but the bond and the other document alongwith it, as to whether he has received the notice etc., have been executed on 11th October, 2024. That means when the bond was taken, no order was in existence. Even for that order, the concerned officer i.e. the Executive Magistrate, should come to a conclusion or opinion that there is sufficient ground for proceeding. It appears that one more proceeding was started by PSI, Bhadgaon Police Station by making a correspondence to the Executive Magistrate, Bhadgaon on 10th December, 2024, which was stated to be in respect of the incident dated 23rd November, 2024 as aforesaid. Second chapter case bearing No.400 of 2024 appears to have been started, again the notice has been issued having similar contents. Interestingly, there is no date as to when this notice, which is presently produced on page No.32, was issued, but then it states that respondent No.5 should remain present before the Executive Magistrate at 11:00 am on 10th December, 2024. Thus, it is to be noted that PSI, Bhadgaon Police Station, makes the correspondence on the same day, then the Executive Magistrate issues the notice asking respondent No.5 to remain present on 10th December, 2024. Then it is stated that respondent No.5 remained present before the Executive Magistrate on the same date. On page No.35, it appears that the Executive Magistrate, Bhadgaon has passed order of final bond as stated to be under Section 126 of the BNSS, directing present respondent No.5 to

give the bond of Rs.50,000/-. Interestingly, in the said order, it is stated that respondent No.5 was produced before the Executive Magistrate on 10th December, 2024 and respondent No.5 admitted his guilt. A normal procedure appears to have been adopted by the Executive Magistrate, Bhadgaon. There is no date to the order, but it appears that it was passed on 10th December, 2024 itself. So, everything i.e. from the proposal till getting the final bond executed has taken place in one day. Even the Executive Magistrate appears to have prepared a plea of such person i.e. format, which does not contain any admission and in a way judgment on plead guilty appears to have been passed. What was so-called admitted, is that respondent No.5 appears to have shown his readiness to execute the bond. That cannot be taken by any stretch of imagination that he was admitting the guilt as in the proposal, the story regarding alleged incident dated 23rd November, 2024 was included and also that a separate FIR has been lodged by the present petitioner. All the way, the Executive Magistrate has adopted printed forms, which is not contemplated in the procedure to be undertaken under Sections 126, 127, 128 or 129 of BNSS and also under Section 130 i.e. the final order to be passed. Therefore, we are of the opinion that whatever action that was taken against respondent No.5, was illegal. There cannot be implementation of such order and therefore, there is no question of issuing direction to respondent Nos.1 to 4 to decide the representations or applications of the petitioner and

taking any action against respondent No.5.

6 The writ petition stands dismissed at the threshold.

nga **[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]**