

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Writ Petition No.4592 of 2025

Mr. Kishor Sainath Londhe

... Petitioner

V/s.

State of Maharashtra

... Respondent

Ms. Prajakta N. Deshmukh, Mr. Anil Bandgar, Mr. Akshay More	Advocates for the Petitioner.
Mr. H.J. Dedhia	APP for the State.
Nitin Kumbhar	Assistant Police Inspector, Koparkhairne Police Station present.

CORAM : S.M. MODAK, J

DATE : 26th August 2025.

P.C. :

Heard learned Advocate for the Applicant and learned APP.

2. It is true this Applicant is arrested in connection with C.R. No.356/2025 for an offence under Section 308(2), 3(5) of Bhartiya Nyay Suraksha Sanhita 2023 (for short 'B.N.S.S.'). The Applicant was arrested on 12th April 2025. He was produced before the Court of JMFC, Belapur on 13th April 2025. His release was ordered forthwith on account of non-compliance of the provisions of Section 35(3) of B.N.S.S.. Accordingly, he was released forthwith.

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3. This order was taken an exception by the State before the Court of Additional Sessions Judge, Belapur by way of Criminal Revision No.29/2025. It was allowed on 12th August 2025. Direction was given to the Applicant to surrender before the concerned Magistrate. Liberty was also granted to the learned Magistrate to reconsider the request for custody of the accused. This order is under challenge. Uptill now he has not surrendered.

4. On 11th August 2025 chargesheet is submitted before the jurisdictional Magistrate and report to that effect submitted by Senior Police Inspector, Koparkhairne is tendered, taken on record marked as Annexure-X. The submission is now the police are no more in need of interrogation.

5. In view of this development, this Court is not considering the issue whether the learned Additional Sessions Judge was right in cancelling the release of the Applicant. Instead of that the Applicant can be directed to appear before the jurisdictional Magistrate and the petition can be disposed of. Hence, the order:

ORDER

(i) The Petitioner is directed to appear before the Court of JMFC, Belapur on 2nd September 2025. On his appearance the concerned Magistrate is at liberty to pass necessary directions about the amount of bail and other conditions including the attendance conditions,

if any. Such application be decided on the same day.

(ii) If the Petitioner fails to appear on that day, the learned Magistrate is at liberty to pass appropriate orders.

6. With these observations, Writ Petition is disposed of.

(S.M. MODAK, J.)