



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

CRIMINAL WRIT PETITION (ST) NO. 20251 OF 2026

Devaram Chelaji @ Chelaram Mandora

.. Petitioner

Versus

State of Maharashtra and Ors.

.. Respondents

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- Mr. Siddharth Jha, Advocate i/by Law Global for Petitioner.
 - Ms. Rajeshree V. Newton, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 07, 2026.

P.C.:

1. Heard Mr. Jha, learned Advocate for Petitioner and Ms. Newton, learned APP for Respondent – State.

2. In the present case, Petitioner is indicted and arraigned as Accused in a crime under Section 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’). Petitioner is 69 years old. Transaction is of the year 2021 and FIR is filed recently.

3. It is pointed out to the Court that notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’), copy of which is appended at page No.66 of the Petition is served on Petitioner at 11:00 a.m. on 29.09.2026 stating therein that Petitioner will have to present himself for investigation on 30.09.2026 at 11:00 a.m. in the police station alongwith all documents.

4. However, it is seen that Petitioner has been arrested on 30.09.2026 at 05:19 hours in the early morning which is clearly evident from the grounds of arrest conveyed to Petitioner under Section 47 of the BNSS, copy of which is appended at page No.69 which is dated 30.09.2026. The purpose and ethos of giving notice under Section 35(3) itself is completely lost in such circumstances. The case of Petitioner is clearly covered by the decision of this Court in the case of *Omkar Balkrushna Gade Vs. The State of Maharashtra*, decided by this Court in Bail Application No.2899 of 2026 dated 10.09.2026. Though the present Writ Petition is for quashing of the FIR, however, there is a prayer seeking immediate release of the Petitioner from custody, which is prayer clause (h).

5. In view of the aforesaid *prima facie* observations based on prosecution evidence itself, I am inclined to consider the case of grant of releasing Petitioner on bail and grant of prayer clause (h).

6. The prosecution is directed to file appropriate Affidavit-in-Reply in regard to the quashing Petition and the other reliefs within two weeks.

7. Hence, in view of above, the following order is passed:-

- (i) Petitioner – Devaram Chelaji @ Chelaram Mandora is directed to be immediately released from prison in connection with CR. No.524 of 2026;

- (ii) Petitioner is permitted to furnish provisional cash bail of Rs.10,000/- for his release immediately and file undertaking that he shall provide one or two sureties in the like amount within a period of four weeks after his release which shall be accepted by the Trial Court. Petitioner shall provide sureties as directed;
- (iii) Petitioner shall report to the Investigating Officer at Mira Road Police Station, once every month, on the first Sunday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;
- (iv) Petitioner shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Petitioner shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;
- (v) Petitioner shall not leave the country without prior permission of the Trial Court;
- (vi) Petitioner shall not influence any of the witnesses or tamper with the evidence in any manner;
- (vii) Petitioner shall keep the Investigating Officer informed

of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Petitioner.

8. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

9. All parties are directed to act on a certified copy of this order downloaded from the website of the Bombay High Court.

10. Stand over to **28th October 2026**.

[MILIND N. JADHAV, J.]

Ajay

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