



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

942 BAIL APPLICATION NO. 2217 OF 2023

1. Ganya @ Gonya Padkya Pawra
2. Dadla Padkya Pawra
3. Gildar Padkya Pawra
4. Khema @ Khemsing Ganya @ Gonya Pawra
5. Gulab @ Gulabsing Ganya Pawra
6. Rohidas Dadla Pawra
7. Khatrya Utarya Pawra
and
8. Ramdas Gildar Pawra

Applicants.

VERSUS

The State Of Maharashtra

Respondents.

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Advocate for Applicant : Mr. Jain Gajendra Devichand
APP for Respondent : Mrs P. J. Bharad
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CORAM : S. G. CHAPALGAONKAR, J.

Dated : December 15, 2023

PER COURT :-

1. The applicants seek regular bail in connection with Crime No.0162 of 2023 registered with Dhadgaon police station, District Nandurbar for the offences punishable under sections 302, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, u/s 37(1), 37(3) and 135 of the Maharashtra Police Act.

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2. Investigation was set in motion on the basis of the information given by one Dinesh Ramesh Pawra stating that they are cultivating forest land since their forefathers. His father and uncle partitioned said land. Uncle cultivates land adjacent to land of father. Father of the informant had grown Sagwan trees on common bandh. Those were removed by his uncle. Dispute was taken to a meeting of the respectable persons. Panchas committee declared the right of the informant's father and asked his uncle not to cut the trees on common bandh or enter in the field henceforth. It is further alleged that in the evening while his father and others were standing near Nala, his uncle/accused Thikya and his relatives arrived at the spot in a jeep. They were holding weapons like stone, sickle in their hands. They hurled abuses to his father and threatened to kill him and insisted to give share of trees. Suddenly, accused Thikya took out sickle and inflicted injuries on neck, stomach, back, face and left leg of his father. Other companions of accused Thikya alleged to have beaten him by fist and kick blows and with stone. Father of informant suffered severe injuries. He was taken to hospital at Dhadgaon, where doctor declared him dead. The applicants have been arrested in pursuance of the aforesaid crime on 8.7.2023. Since then they are behind the bar. Their prayer for grant of bail has been rejected vide order dated 9.11.2023.

3. Mr. Jain, learned advocate appearing for the applicants would submit that applicants have been falsely implicated in the aforesaid crime. It is the case of civil dispute

between father and uncle of the first informant. The applicants are unconcern with the said dispute. By inviting attention of this Court to the contents of the FIR, he would submit that allegations of causing fatal injuries are against accused Thikya. He used iron sickle and inflicted injury on head, neck, stomach, back and face of the deceased. He would submit that rest of the allegations are omnibus and large number of relatives of first accused are falsely implicated. He would submit that investigation in the matter is complete. Charge-sheet is filed. There are no criminal antecedents to discredit the applicants. They are behind the bar for more than five months. Their further detention would not be necessary.

4. Learned A.P.P. strongly opposes the prayer for grant of bail. She would submit that it is a case of heinous crime. The deceased was brutally murdered. Applicants alongwith main accused came to the spot in a jeep. They were holding weapons in their hand and raised attack against the deceased till he succumbed to the injuries. She would submit that role of the applicants cannot be segregated from the role of the main accused.

5. Having considered the submissions advanced and perusal of material in the charge-sheet, it is apparent that FIR suggests of civil dispute and motive of the applicants. It refers to the meeting of panchas, wherein some decision was made in favour of the deceased and accused Thikya Dadla Pawara was prevented from interfering right of the deceased in the trees planted on the bandh. Apparently, he has motive to commit

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the offence. FIR further alleges that in evening at about 7 pm all accused persons alongwith first accused Thikya arrived at the spot in a vehicle and raised attack on the deceased. FIR specifies that first accused Thikya was holding sickle in his hand and he raised attack on the deceased, by which serious injuries were caused to him on his neck, face, stomach, back and left leg. Rest of the allegations are general and omnibus. It states that accused Sunil Thikya Pawra had stick in his hand and he assaulted deceased using the same. Rest of the accused persons are alleged to have assaulted the deceased by stone, kicks and fist blows. Apparently, no specific allegations are made against any of the applicants. They are generally alleged to have raised attack on the deceased by stone, fist and kick blows. Perusal of the postmortem report shows that death is caused owing to excessive bleeding due to multiple injuries. Column no.17 of postmortem report indicates seven cut injuries on head, face, elbow, back, scalp and lumbar region of the deceased. All these injuries are attributable to the attack raised by the first accused Thikya, who was holding sickle in his hand. Although, there is a fracture, in absence of specifications to role of the applicants, they cannot be attributed with the responsibility in causing such injuries to the deceased.

6. The applicants have been arrested on 8.7.2023. Period of more than five months have been lapsed. Investigation in the matter is complete. Charge-sheet is filed. Learned APP confirms that no criminal antecedents are

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reported against the applicants. In that view of the matter, case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicants no.1. Ganya @ Gonya Padkya Pawra, 2. Dadla Padkya Pawra, 3. Gildar Padkya Pawra, 4. Khema @ Khemsing Ganya @ Gonya Pawra, 5. Gulab @ Gulabsing Ganya Pawra, 6. Rohidas Dadla Pawra, 7. Khatrya Utarya Pawra and 8. Ramdas Gildar Pawra be released on bail in connection with Crime No.0162 of 2023 registered with Dhadgaon police station, District Nandurbar for the offences punishable under sections 302, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, u/s 37(1), 37(3) and 135 of the Maharashtra Police Act on their furnishing P.B.&S.B. of Rs.50,000/- (Rs. Fifty Thousand), by each of them on following conditions :-
 - a] The applicants shall not tamper the prosecution evidence in any manner.
 - b] The applicants shall attend each and every effective date before the trial court and shall co-operate for early disposal of the case.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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