



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 61 OF 2025

- . Balaji Khandojirao Jumbad  
Age: 72 years, Occu.: Agriculture,  
R/o. Bori (Bk.), Tq.Kandhar,  
Dist.Nanded. ....Applicant  
(Orig. Accused)

**Versus**

- . The State of Maharashtra  
Through Kandhar Police Station,  
Tq.Kandhar, Dist.Nanded. ....Respondent

.....

**WITH**

CRIMINAL APPLICATION NO. 324 OF 2025  
IN BA/61/2025

- . Vyankat S/o. Balaji Dukre  
Age: 30 years, Occu.: Labour,  
R/o. Bori (Bu.), Tq.Kandhar,  
Dist.Nanded. ....Applicant  
(Informant/Son of deceased)

**Versus**

1. Balaji S/o. Khandojirao Jumbad  
Age: 72 years, Occu.: Agri.,  
R/o. Bori (Bu.), Tq.Kandhar,  
Dist.Nanded.
2. The State of Maharashtra  
Through Police Station Kandhar,  
Dist.Nanded. ....Respondent

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Advocate for Applicant in BA/61/2025 : Mr.R.N.Dhorde, Senior  
Counsel i/b. Mr. Avinash D. Hande

APP for Respondent State : Mr.C.V.Bhadane

Advocate for Informant / Assist to PP : Mr.B.N.Gadegaonkar

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**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 05 FEBRUARY, 2025**

**PRONOUNCED ON : 07 FEBRUARY, 2025**

**ORDER :**

1. By way of Bail Application No.61 of 2025, applicant seeks his enlargement on bail on account of his arrest in crime no.0432 of 2024 registered at Kandhar Police Station, Dist.Nanded, for offence under Sections 108, 308(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Criminal Application No.324 of 2025 is filed by the informant seeking permission to assist Public Prosecutor. Said application is allowed.

3. Learned Senior Counsel Mr.R.N.Dhorde would submit that applicant is arrested in above crime on 26-12-2024. He further pointed out that present applicant is Sarpanch of the village. He pointed out that there is a land in village Bori bearing Gut No.264, which is infact a Gairan land. Father of present informant was in illegal possession of said land and therefore, action was taken by Revenue Authorities like Police Patil, Gramsevak, Talathi and

Tahsildar. He pointed out that there are written orders by Tahsildar directing removal of encroachment on the land and the same was obeyed and executed. That, report has been lodged levelling false allegations that present applicant demanded money for erection of house and for grant of necessary permission for erection of house. That, only allegations are that present applicant prevented the construction activity. However, according to learned Senior Counsel, being a Sarpanch, applicant was merely obeying orders of the Revenue Authorities. His such act has been misconstrued. That, mother of informant allegedly consumed poison and committed suicide and as such informant son has lodged report implicating present applicant and two others.

4. Learned Senior Counsel took this Court through the FIR and papers and would submit that there was alleged visit by present applicant to the informant's place on 18-12-2024. That, consumption of poison by mother of informant is on 21-12-2024. That, during four days gap, there is nothing to suggest any abetment, inducement or instigation or any harassment of any nature so as to hold applicant responsible. That, deceased had apparently consumed poison due to stress, however, applicant cannot be held responsible. That,

applicant is behind bars since almost a month. That, nothing is shown to be recovered at applicant's instance and therefore, for all above reasons, learned Senior Counsel seeks grant of bail. He submits that applicant is ready to abide by any conditions imposed by this Court.

5. Learned APP opposed bail application on the ground that applicant has specifically named. That, since 2002 present applicant has been obstructing stay of informant's father on Gairan land. He pointed out that informant's father was beneficiary of a piece of land. That, there are allegations about demand by present applicant of graft for allowing construction. That, on account of non-fulfillment of demand, he had demolished house of informant. That, applicant was continuously obstructing, harassing informant's parents. That, informant's father had lodged report with Police authorities against applicant, however, he continued to harass entire family and finally threatened them to dispossess them from the land even when construction activity was in progress. That, only because of such consistent and constant harassment, informant's mother, who had repeatedly urged applicant to allow them to continue construction activity, applicant threatened to dispossess them, she consumed

poison. That, applicant is solely responsible for her death. According to learned APP, investigation is still in progress and therefore, with such serious allegations, he opposes bail application.

6. Learned counsel representing informant and assisting APP also strongly opposed application by pointing out that only because of continued harassment, mother of informant has consumed poison. That, applicant is solely responsible for her death. That, since many years, he is bent upon in dispossessing informant's family and his parents from said land. That, there were two complaints against him. That, he was also demanding money for regularization of construction. That, because his such demand was not met, he sought orders of removal of informant's house and only because of his such continuous harassment, there is consumption of poison by mother of informant. That, he and two others are solely responsible and therefore, he too opposes application for above reasons.

7. After considering the submissions of each of the respective sides and on going through the report lodged by Vyankat Balaji Dukare, it is emerging that informant resided with his parents, wife and children in Gut No.264 at Bori (Bu.). He has reported that land

at Gut No.264 , which is Gairan land, was given by the Government to one Shankar Devrao Panchal from 1978 for cultivation and use. With permission of said Shankar Devrao Panchal, informant's parents were residing since 1990 on a piece of land out of said land. Informant has alleged that their such stay was disliked by present applicant, who is Sarpancha and he had engaged in demolishing their house, and such occurrence was reported at Kandhar Police Station on 08-03-2002 but subsequently by indulgence of villagers, matter was resolved and present applicant also paid amount towards damages to the tune of Rs.10,000/- and assured not to harass them. It is further stated that apprehending further harassment, informant's father approached Devrao Panchal and he executed gift deed on a Bond paper regarding said land. However, their attempts to get electricity connection and water connection were opposed by present applicant by demanding Rs.50,000/-. Informant's father has subsequently attempted to give application to Gram Panchayat for seeking construction permission, but the same was refused and it is alleged that applicant was instrumental in the said refusal and had put up demand of Rs.5,00,000/-. When informant's mother requested applicant to allow them to stay, applicant allegedly threatened that he would see that they would not get their own

house constructed on the said land. It is stated that Informant's father was beneficiary of Scheme of "Pradhan Mantri Awas Yojana" and received first installment and started construction 20 days back. However, at the instance of present applicant, Jyoti Vitthal Panchal and Vitthal Panchal, who were relatives of Shankar Panchal, came and abused their parents and even issued threats and even this instant was informed to Police at Kandhar Police Station. He further informed that on 13-12-2024 Jyoti Panchal and present applicant came and obstructed construction activity. On 17-12-2024, Talathi, Gramsevak came and drew panchanama and directed informant's father to stop construction. Tahsildar also issued directions to Gram Panchayat on 18-12-2024 and present applicant and Jyoti allegedly visited informant's house in the evening on 18-12-2024 to stop construction or to face action at the hands of applicant. Resultantly, informant had stated that because of continuous threats, obstructions, abuses since 2002, his mother got fed up and finally she consumed poison. Hence, above report was lodged and in consequence to it, applicant seems to have been arrested.

8. What is emerging from the above FIR is that informant's parents were allegedly staying on a Gairan land (Government owned

unused land) since 1990. There are allegations that present applicant, who was Sarpancha, obstructed for their stay and even intervened in the construction activity undertaken by informant's father after receiving first installment under "Pradhan Mantri Awas Yojana". Dates, which are cropping up about visit of applicant and Jyoti Panchal to the house of informant, are 13-12-2024 and 18-12-2024. There was said to be visit of Talathi, Gramsevak to the informant's house on 17-12-2024 and there are said to be orders of Tahsildar and with such orders, it is alleged that present applicant and Jyoti Panchal came to the house of informant and conveyed that they cannot make construction on Government land or they would fetch action. Apparently, mother of informant unfortunately seems to have consumed poison but on 21-12-2024. As pointed out, from alleged visit of applicant to informant's house on 18-12-2024 till 21-12-2024, there is no material suggesting any sort of harassment, which would amount to be of such nature that deceased has left with no other alternative but to end up her life nor there is any material suggesting creation of such circumstances forcing mother of informant taking extreme step. There is a gap of four days and taking the same into consideration, when informant himself reported that his mother was under stress and there is consumption of poison

under the same, and further when viscera being despatched and its analysis report being awaited, custody of the applicant is not shown to be necessary. Nothing is shown to be recovered or discovered at the instance of applicant. Therefore, relief as prays deserves to be granted. Hence, the following order :

**ORDER**

- (i) Application is allowed.
- (ii) Applicant Balaji Khandojirao Jumbad be released on bail in connection with Crime no.0432 of 2024 registered with Kandhar Police Station, Dist.Nanded on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter into vicinity of Bori (Bu.), Tq.Kandhar, District Nanded, till conclusion of the trial.
- (v) Criminal Application No.324 of 2025 is disposed of.

**( ABHAY S. WAGHWASE )  
JUDGE**