



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 359 OF 2025

Jaising S/o. Jamal Pawara,
Age : 54 years, Occu. : Agril.,
R/o. Ambadukpadha,
Tq. Shirpur & Dist. Dhule.

... Applicant

Versus

The State of Maharashtra,
Through Police of Shirpur Taluka
Police Station, Dhule,
Dist. Dhule.

... Respondent

.....
Mr. C. C. Deshpande, Advocate for applicant.
Mr. N. D. Batule, APP for Respondent – State.

.....

WITH

BAIL APPLICATION NO.233 OF 2025

Ranya @ Rana Meha Pawara,
Age : 70 years, Occu. : Agriculturist,
R/o. Gadhaddeo, Post Malkatar,
Tq. Shirpur, Dist. Dhule.

... Applicant

(Orig. Accu. No.1)

Versus

The State of Maharashtra,
Through the Police Inspector/
Investigating Officer in Crime No.262/2024,
Shirpur Taluka Police Station,
Tq. Shirpur, Dist. Dhule.

... Respondent

.....
Mr. Baig Mirza Mazhar Javed, Advocate for applicant.
Mr. N. D. Batule, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 20 MARCH, 2025
PRONOUNCED ON : 21 MARCH, 2025

ORDER :

1. Both above regular bail applications are arising out of one and the same crime bearing No.0262 of 2024 registered with Shirpur Taluka Police Station, District Dhule for offence punishable under section 109, 61(2), 189(2), 189(4), 191(2), 191(3), 190, 318(4), 310(2), 311 of the Bharatiya Nyaya Sanhita and under sections 3/25, 5/27(1) of the Arms Act.

Both applications being heard simultaneously and also answered by learned APP simultaneously, both applications are dealt and decided together.

2. Learned counsel for applicant of Bail Application No. 359 of 2025 pointed out that, applicant is arrested on 03.10.2024. That, there was free fight between two groups. That, clash was as a result of claim over forest land. Learned counsel submitted as regards to present applicant is concerned, allegations against him are only of instigation. That, no overt act is to be attributed to him. That, investigation is over and charge sheet is filed in December 2024 itself and as no further recovery or discovery is to be made,

learned counsel seeks bail on any conditions deemed fit by this court.

3. Learned APP opposed on the ground that both sides are regularly indulging in irregular activities by allowing peoples to cultivate land by charging Rs.20,000/-. That, people are invited from other State. That, various crimes of such nature are repeatedly registered and all peoples named in this crimes have criminal antecedents. In this case, there is use of fire arm.

4. In answer to above, learned counsel for applicant would add that, as regards to present applicant is concerned, he has only one crime registered against him and he is already acquitted in the same.

5. Learned counsel appearing in Bail Application No. 233 of 2025 also adopted above submissions and submitted that now charge sheet is filed. That, no further recovery or discovery is to be made at the instance of said applicant and therefore he also urges for grant of bail.

6. Heard. Perused the FIR dated 02.10.2024 at the instance of one Mahendrasing Shankar Randhe. He reported Shirpur Taluka Police Station that he does agriculture work. He

reported that, he has no relatives at Maharashtra, but he knows one Jadya Patil @ Jaising Jamal Pawara i.e. present applicant of B.A. No. 359 of 2025 and his son Dayaram Jaising Pawara, Tersing Jamal Pawara, Gangaram Pawara all resident of Ambadukpada, Shirpur, Dist. Dhule. He reported that like him many persons from Madhya Pradesh were allotted land for cultivation by charging Rs.20,000/- by present applicant. That, like present applicant, one Ranya @ Rana Meha Pawara also invites people from Madhya Pradesh, handover land to them and charges them, as a result of which there are regular quarrels clashes and disputes on account of land. He has also reported that, Forest Department took action of eviction for encroachment and there were major quarrels. Regarding the occurrence he stated that, on 01.10.2024, Rajilya, Dharamsing and Raju all resident of Muhala and Ravya Narsing Dawar, resident of Ambapani and others gathered for taking land and while present applicant Jadya @ Jaising asked them to take possession, he alleged that person of Ranya also came there around 4:30 p.m. armed with sticks, air-gun and attacked each other by threatening to kill. He reported that, present applicant and Ranya were instigating their respective men to not to spare anyone, resulting into the incident, causing injuries to both sides. On above report, crime has been registered for above section.

7. Learned APP pointed out that, above illegal activities of grabbing Government land, distributing it for cash to the persons after being lured and brought from other State are repeatedly committed. He made a statement that, such lands are Government lands and both sides have criminal antecedents and as such he seeks rejection of application. Learned APP submitted that there is use of fire arms and injury certificates are also on record.

8. Taking the above contents of the FIR into consideration, say of prosecution and on going through the papers, though charge sheet is filed, no further recovery is yet to be made, considering the gravity of the offence, this court is not inclined to grant relief as prayed.

9. Both the applications are rejected.

(ABHAY S. WAGHWASE, J.)