



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 380 OF 2025
WITH
CRIMINAL APPLICATION NO. 899 OF 2025

1. Shri Ajay Zulu S/o. Devidas Gavit,
Age : 22 years, Occu. : Agriculture,
R/o. Pinjarzadi, Tq. Sakri, Dist. Dhule.
2. Shri Pravin S/o. Mahadu Bagul,
Age : 41 years, Occu. : Agriculture,
R/o. : Pinjarzadi, Tq. Sakri, Dist. Dhule.
3. Shri Tushar S/o. Dilip Gavit,
Age : 24 years, Occu. : Agriculture,
R/o. Pinjarzadi, Tq. Sakri, Dist. Dhule.
4. Shri Prakash S/o. Subhash Gavit,
Age : 48 years, Occu. : Agriculture,
R/o. Pinjarzadi, Tq. Sakri, Dist. Dhule. ... Applicants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Sakri Police Station, Tq. Sakri,
Dist. Dhule.
2. The Superintendent of Police,
Tq. Sakri, Dist. Dhule. ... Respondents.

WITH

BAIL APPLICATION NO. 379 OF 2025
WITH
CRIMINAL APPLICATION NO. 901 OF 2025

1. Shri Rakesh Laxman Gavit,
Age : 22 years, Occu. : Agriculture,
R/o. Pinjarzadi, Tq. Sakri, Dist. Dhule.
2. Shri Lahu S/o. Waman Gavit,
Age : Major, Occu. : Agriculture,
R/o. Pinjarzadi, Tq. Sakri, Dist. Dhule

3. Shri Nitin Sanjay Mahale,
Age : 24 years, Occu. : Agriculture,
R/o. Pinjarzadi, Tq. Sakri, Dist. Dhule.
4. Shri Rohit @ Ratilal S/o. Ravindra Gavit,
Age : 22 years, Occu. : Agriculture,
R/o. Pinjarzadi, Tq. Sakri, Dist. Dhule.
5. Shri Mayur S/o. Dilip Gavit,
Age : 22 years, Occu. : Agriculture,
R/o. Pinjarzadi, Tq. Sakri, Dist. Dhule.
6. Shri Kantilal S/o. Ramesh Gavit,
Age : 31 years, Occu. : Agriculture,
R/o. Pinjarzadi, Tq. Sakri, Dist. Dhule.
7. Shri Jitendra S/o. Choturam Bagul,
Age : 42 years, Occu. : Agriculture,
R/o. Pinjarzadi, Tq. Sakri, Dist. Dhule. ... Applicants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Sakri Police Station,
Tq. Sakri, Dist. Dhule.
2. The Superintendent of Police,
Tq. Sakri, Dist. Dhule. ... Respondents

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Mr. Nilesh N. Desale, Advocate for Applicants in BA/380/2025 & BA/379/2025

Mr. N. D. Batule, APP for Respondent - State.

Mr. S. R. Zambare, Advocate for Applicant - Informant (Asst to APP)
in APPLN/899/2025 & APPLN/901/2025

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 MARCH 2025

PRONOUNCED ON : 20 MARCH 2025

ORDER :

1. Both above applications are for grant of regular bail on account of arrest of applicants in Crime No.0334 of 2024 registered at Sakri Police Station, District Dhule for offence punishable under sections 103(2), 189, 190, 191(1), 192, 194, 352 and 115-2 of the Bharatiya Nyaya Sanhita.

2. Criminal Application Nos.899 of 2025 and 901 of 2025 are allowed. The original complainant is permitted to assist the learned A.P.P.

3. Learned counsel for applicants submitted that, applicants are falsely implicated without assigning specific roles. That, almost 15 persons are involved. Learned counsel took this court through the FIR dated 28.09.2024 and would submit that, though there are allegations of strangulation, giving kicks and fist blows, but there are no marks on the neck. According to him, main accused are accused no.1 and accused no.14. He further submitted that though there are allegation of strangulation, giving kicks and fist blows, but death is attributed due to contusion to kidney and according to him, deceased inconsistent with the allegations of assault. That, moreover now investigation is over and charge sheet is already filed in December 2024 and when no further recovery or discovery is to be made,

learned counsel seeks grant of relief of bail.

4. Learned APP as well as learned counsel for informant have both strongly opposed on the ground that, in cruel and brutal manner, Shubham Gawali was done to death. That, they both took this court through the post mortem report. According to both of them, there are direct eye witnesses. Statements of eye witnesses are already recorded under section 164 of Cr.P.C. That, after hatching conspiracy, above crime is committed. Both learned APP as well as learned counsel took this court through statements of Kalibai Bagul, Suresh Bagul and Sunita Bagul. According to them, all applicants are also responsible for the death. They also further apprehend the possibility of misuse of the liberty. For above reasons, they both opposed grant of bail.

5. Perused the FIR as well as police papers. FIR dated 28.09.2024 is at the instance of Ramchandra Sabale. He has named almost 15 persons regarding occurrence dated 28.09.2024 alleging for not including name in the housing scheme, he was beaten by fist and kick blows. On intervention of Shubham Gawali, he was throttled and beaten till he fell unconscious. After he was taken to hospital, he was reported to be dead. Learned APP as well as learned counsel for informant submit that, there is direct eye witness account and

statement of eye witnesses are also brought to the notice of this court. On going through the statement of one eye witness namely Sunita, it seems that, on 28.09.2024 at around 12:30 noon, Ramchandra Sabale came to their hotel. She saw crowd near the hotel and quarrel going on and therefore, she went there. She claims that she saw Ramchandra Sabale was beaten by fist and kick blows and thereafter quarrel was separated. She stated that, shortly thereafter again there was beating to him. At that time, Shubham Gawali reached there and went to intervene and separate them. That time, it is alleged that Ashok Waman Gavit caught Shubham by his throat and Mangesh Gaikwad punched in the abdomen of the deceased, as a result of which, he fell unconscious. Though after autopsy, opinion is shown to be reserved and viscera and articles preserved for chemical analysis and organs pieces preserved for histopathology examination, final post mortem certificate seems to be issued and wherein histopathology findings revealed "congestion, edema and hemorrhage to lungs, sinusoidal congestion to liver; congestion to spleen; congestion and occasional sclerosed glomerulus to kidney; cerebrum section shows meninges showing congestion and hemorrhage and cerebral parenchyma shows few areas of subarachnoid hemorrhage and congested blood vessels; Cerebellum section shows meninges showing congestion and sparse mononuclear infiltrate, cerebellar parenchyma shows occasional tiny area of

subarachnoid hemorrhage and congested blood vessels.”

6. Therefore, here, report is primarily by Ramchandra, who himself was beaten by persons named in the FIR. Apart from statements of eye witnesses, there is statement of this witness under section 164 of Cr.P.C.

7. There are allegation that life of a person, who had come to separate, has been taken, by alleged beating by 14 to 15 persons, though prima facie distinct roles are not coming, they are named by eye witnesses to have indulged in above beating. Therefore, taking the above material into consideration, this court does not find it a fit case at this stage.

8. Both applications are rejected.

(ABHAY S. WAGHWASE, J.)