



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.473 OF 2025
WITH
CRIMINAL APPLICATION NO. 983 OF 2025

1. Baliram @ Bibishen S/o. Lakshman Rathod,
Age : 22 years, Occu. : Agri.,
2. Nitin S/o. Bhagwan Rathod,
Age : 20 years, Occu. : Agri.,

Both are R/o. Munsiram Tanda,
Tq. Sonpeth, Dist. Parbhani.

... Applicants
(orig. accused nos.2 & 4)

Versus

The State of Maharashtra,
Through P.I. Police Station Sonpeth,
Dist. Parbhani.

.....
Mr. Mayur V. Salunke, Advocate for Applicants.
Mr. S. B. Narwade, APP for Respondent - State.
Mr. Sambhaji S. Tope, Advocate for Applicant - Informant in
APPLN/983/2025 (Assist to APP).
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 28 APRIL 2025

PRONOUNCED ON : 29 APRIL 2025

ORDER :

1. Present application is for grant of bail on account of arrest of applicants in Crime No. 0312 of 2024 registered with Sonpeth Police Station, District Parbhani for offence punishable under sections 109, 118(2), 329(3), 118(1), 352, 351(3) r/w sections 3(5) of the Bharatiya Nyaya Sanhita.

2. Criminal Application No.983 of 2025 is allowed. The original informant is permitted to assist the learned A.P.P.

3. Learned counsel for applicants pointed out that, applicants are arrested in above crime on 21.10.2024 and 22.10.2024, respectively. That, there are allegations of assault by sticks. That, vague allegations are levelled. That, site of injury is not specified. That, main accused is not before the court. Charge sheet is filed on 19.12.2024 and when no further recovery is shown to be made at his instance and as future course of trial is also uncertain, he urges for grant of bail.

4. Learned APP as well as learned counsel for informant have both strongly opposed the application. Learned APP pointed to the medical papers and submitted that there is direct eye witness regarding the assault. That, injured is still unconscious and it being treated. Learned counsel for informant also pointed out that, skull of the injured was required to be opened and photographs of the same are placed on record. That, injured is still unconscious and for all above reasons, he too has strongly opposed the application.

5. Heard. Perused the FIR. Informant Ankush Jadhav has reported that, his son Ashok was Headmaster and second son Balwant was Superintendent in the hostel. On 20.10.2024, Laxman

Raoji Rathod, Bibishan @ Baliram Laxman Rathod (present applicant no.1), Prakash Rathod and Nitin Bhagwan Rathod (applicant no.2) came to their house armed with iron rod and sticks and on being questioned, allegations of corruption are levelled. It is alleged that, there is no due attention paid to the students and then threatening to finish them. It is alleged that, Laxman Rathod used iron rod on the head of Balwant, who fell unconscious. It is reported that, in spite of falling unconscious, he was assaulted. As regards to present applicant no.1 is concerned, there are allegations of assaulting informant and his sons by stick, and Prakash assaulting by means of iron rod. Present applicant no.2 Nitin assaulted the informant and his sons i.e. Balwant and Ashok by sticks. On above report, crime is registered.

6. Medical papers and photographs placed on record do show that, Balwant has suffered head injury and there are sutures to the head. Statement is made across the bar by learned APP as well as learned counsel for informant that injured is still unconscious. Resultantly, taking the same into consideration, though charge sheet is filed, this court is not inclined to grant bail.

7. The bail application is rejected.

(ABHAY S. WAGHWASE, J.)