



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 446 OF 2025

Gopinath S/o Sainath Jadhav
Age : 35 years, Occupation Agriculture,
All R/o Boltek Tanda, Post Chapner,
Taluka Kannad, District Aurangabad.

... Applicant
[Orig. Accused]

Versus

The State of Maharashtra
Through Police of Kannad Rural Police Station,
Kannad, District Aurangabad.

... Respondent

WITH
CRIMINAL APPLICATION NO. 1228 OF 2025
IN
BAIL APPLICATION NO. 446 OF 2025

Vilas s/o Dharmu Adde (Rathod)
Age : 38 years, Occupation Agriculture,
R/o : Boltek, Taluka Kannad,
District Aurangabad.

... Complainant

Versus

1. The State of Maharashtra
Through Kannad Rural Police Station,
Taluka Kannad, District Aurangabad.

2. Vishnu s/o Sainath Jadhav

... Respondents

.....

Mr. C. C. Deshpande, Advocate for the Applicant in Bail Application
No. 446 of 2025

Mrs. Vaishali S. Chaudhari, APP for Respondent-State in both
applications.

Mr. D. S. Kale, Advocate for the Applicant in Criminal Application No.
1228 of 2025

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 04.04.2025

ORDER :

1. Criminal Application No. 1228 of 2025 is at the instance of original informant, seeking permission to assist APP in prosecuting present bail application. For the reasons mentioned in the application, applicant/original informant is permitted to assist APP. Criminal Application No. 1228 of 2025 is accordingly disposed off.

2. Bail Application No. 446 of 2025 is for grant of regular bail on account of arrest of applicant in crime no. 16 of 2025 registered at Kannad (Rural) Police Station, District Chattrapati Sambhajinagar (Rural) for offences punishable under Sections 108, 118(1), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita (BNS).

3. Learned counsel for the applicant submitted that FIR is of 05.02.2025. Applicant is arrested on 08.02.2025. In all, four accused are named in the above crime. Three are already granted anticipatory bail. There are allegations that there was some quarrel and out of fear, deceased hanged himself. According to learned counsel, there was no instigation or abetment to commit suicide. That, incident had a background of some quarrel on account of grazing goats. Learned

counsel pointed out that, though there are allegations of some incident of beating after quarrel, there is no injury noticed to the deceased. FIR is by uncle of deceased. That, when no further recovery or discovery is to be made, applicant's custody is not required and rather, applicant is ready to make himself available as and when required and even abide all conditions imposed by this Court.

4. Learned APP opposed on the ground that deceased was beaten twice. There is eye witness account. That, stick is recovered from the present applicant. Moreover, applicant has criminal antecedents. Learned counsel for the informant also opposed on the ground that other accused, who are granted bail, have indulged in approaching complainant and N.C. to that effect has been lodged. Learned APP submitted that, in the instant crime, charge sheet is not yet filed.

5. Heard. Perused the papers. FIR dated 05.02.2025 is at the instance of one Vilas Rathod. Informant Vilas reported police that on 04.02.2025, he and his nephew Akshay were going for repairing leakage of pipeline. On the way, they came across Vishnu Jadhav grazing goats on the field of grandfather of Akshay and therefore, he questioned and even drove the goats. That time, it is alleged that Vishnu started beating Akshay with the handle of axe and therefore,

informant questioned him. Thereupon, it is alleged that, Vishnu called Eknath and Sainath, who came and then all three started beating Akshay. Informant further reported that, he intervened and rescued Akshay and they both started proceeding for alleged repair of pipeline. However, Vishnu made phone call to Akshay challenging him to come to Tanda and that, he would not be spared. When informant and Akshay were proceeding to their house, it is alleged that, again Vishnu and Eknath intercepted and pulled Akshay from motorcycle and started beating him. Applicant Gopinath also mounted assault on Akshay with stick. Hearing the commotion, others came and intervened and rescued Akshay, after which, informant further claims, again Sainath threatened Akshay saying that he will not be spared alive, and therefore, according to the informant, his nephew was under tremendous mental pressure. On 05.02.2025 at 8.00 a.m., deceased made phone call to informant and allegedly said that those people will not spare him and that he is under mental pressure, and thereafter disconnected the call. Around 1.00 p.m., it was noticed that Akshay had hanged himself to a tree. On above report, crime has been registered.

6. Learned counsel has placed on record copy of order granting anticipatory bail to Vishnu, Eknath and Sainath. Considering the

contents of FIR that, because of fear and mental pressure deceased seems to have hanged himself, and when no further recovery or discovery is shown to be made, further investigation, if any, can be carried out by securing presence of the applicant. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant be released on bail in connection with Crime No. 16 of 2025 registered at Kannad (Rural) Police Station, District Chattrapati Sambhajanagar (Rural), on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:
 - [a] The applicant shall not influence the informant, witnesses or any person concerned with the case, and shall not tamper the prosecution evidence.
 - [b] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday till filing of charge sheet and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]