



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

28 BAIL APPLICATION NO. 1257 OF 2025

GANESH DIVAN KHARDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Suniket Anil Kulkarni & Ms. Rutuja L. Jakhade.
APP for Respondent / State : Mr. R. S. Wani.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 06th October, 2025.

P.C.:

1 Heard.

2 This is an application for grant of regular bail in connection with Crime No.450 of 2023, registered with Shahada Police Station, District Nandurbar, for the offences punishable under Sections 302, 307, 447, 143, 147, 148 and 149 of the Indian Penal Code, 1860, under Sections 3/25 and 4/25 of the Arms Act, 1959 and under Sections 37(1), 37(3) and 135 of Maharashtra Police Act, 1951.

3 The learned counsel for the applicant pointed out the report in which it is averred by the informant that there is a dispute on account of agricultural land between the informant and the applicant, Sunil Rajendra Pawara, Arun Rajendra Pawara and other relatives.

Several meetings were held in the village to resolve the dispute amicably, but no settlement could be arrived at. The applicant and his relatives were threatening the informant that they will cultivate the land. Therefore, the father of informant filed a civil suit in the Court at Shahada against them.

4 The informant further averred that on 27th July, 2023 at about 10:30 am, he along with his brother Nilesh Kharde, father Raising Kharde, mother Shakuntalabai, grand mother Kusum, aunt Mamta Kharde, uncle Sukhram Kharde, cousin Avinash Kharde and Jagdish Kharde went to their agricultural land. At that time, the applicant and other co-accused were also working in the agricultural land. At that time, the informant's family objected to them by saying the informant's family have sown the crop. Thereafter, a quarrel started. At that time, co-accused Sunil took out a country-made revolver and a sword which he had concealed in the agricultural land. The other co-accused were carrying sickles and sticks in their hands. They started to assault the informant's family. At that time, co-accused Sunil fired from his country-made revolver at the chest of Avinash Kharde, the brother of the informant and his uncle Sukhram Kharde. They sustained serious injuries. Then the applicant also took out a sword and assaulted the father of informant on his head. Other co-accused assaulted them with sticks and iron rods. Thereafter, all the

accused ran away. The father of the informant and other injured were taken to the Government Hospital, Shahada, for medical treatment. The doctor examined, Avinash Kharde and Sukhram Kharde and declared that both are no more.

5 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. He submitted that, except for co-accused Sunil, all other co-accused are released on bail. The applicant has no criminal antecedents. He has roots in the society and he will not flee away from trial. The trial will take a long period. The incident took place all of a sudden. It was not pre-planned. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime of the murder of two persons. He assaulted by sword on the head of the father of informant. The other injured are the eye-witnesses. If the applicant is released on bail, he will pressurize the prosecution witnesses and tamper with the evidence. The happening of a crime of the same nature again on the part of the applicant cannot be ruled out, if he is released on bail. Considering the serious nature of crime and the weapon i.e. sword used by him in the crime, it is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the report, the statements of witnesses, injury certificates, postmortem reports and the seizure *Panchanama* of the weapon.

8 The applicant is involved in the serious crime of the murder of two persons. He is the prime accused, who used a sword in the said crime and at his instance the quarrel was started. Considering his role that he assaulted the father of informant by a sword on his head and attempted to commit his murder, certainly he will pressurize the prosecution witnesses and tamper with the evidence, if he is released on bail. The happening of a crime of the same nature again on his part also cannot be ruled out, if he is released on bail.

9 If all these aspects are considered together, the applicant is certainly not entitled for bail on the principle that bail is rule and jail is exception. The application therefore, deserves to be rejected. The bail application is rejected.

[SANJAY A. DESHMUKH, J.]