

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1601 OF 2025

Pravin Subhash Pawar

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Rahul R. Karpe a/w Mr. Abhijit M Joshi

APP for Respondent/State : Mr. S.G. Sangle

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CORAM : MEHROZ K. PATHAN, J.

DATED : NOVEMBER 26, 2025

PER COURT :

1. Heard.
2. The applicants has approached this Court seeking regular bail in Crime No.1213/2024 registered with Tofkhana Police Station, District Ahmednagar for the offences punishable under Sections 118(1), 115(2), 324(4), 189(2), 190, 352, 351(2), 351(3), 191(2) and 191(3) of Bharatiya Nyaya Sanhita, 2023 and Section 37(1), 37(3) and 135 of Maharashtra Police Act, 1951 and subsequently added sections 103(1), 103(2) and 118(2) of Bharatiya Nyaya Sanhita, 2023.
3. The case of the prosecution is that on 02.11.2024 at about 8 PM, when informant was seating in the temple which is situated near Kondya Mama Chowk in Kothla, relative i.e. accused Nos. 1 to 3 came there on their motor cycle and asked the informant to come with them for taking money from Sachin accused No. 1's

brother namely Anil Chavan, so informant went along with them on their motorcycle. While going on motorcycle accused No. 1 suddenly stopped near Bamboo Shop near Sambhajinagar Road. It is further alleged that, present applicant and accused No. 5 came there and applicant started abusing informant so also assaulted him with kicks and fist blows. It is further alleged that, when informant asked applicant as to why they are assaulting him to which applicant replied "why do you provide information to LCB that I'm selling the swords" and started assaulting him again. It is alleged that applicant has assaulted to both the ears of informant, accused No. 5 has assaulted on the legs, accused No. 3 assaulted by stone on head then accused No. 2 assaulted with the belt over back and hand and all the accused person have assaulted informant by means of kicks and fist blows, thereafter, accused No. 2 & 5 took informant to Civil Hospital Ahilyanagar. Coupled with these allegations, present F.I.R. is filed.

4. Learned counsel for the applicant Mr. Karpe submits that the date of incident is 02.11.2024 and the F.I.R. is registered on 04.11.2024 and the applicant came to be arrested on 17.11.2024. It is his further submission that the applicant Pravin is named in the F.I.R. being one of the assailant who has caused injuries upon the person of the victim/complainant. The statement of the complainant was recorded in the hospital and thereafter, the F.I.R. is registered on that basis. It is his further submission that even assuming without

admitting that the applicant being one of the assailant, the injuries inflicted upon the injured were not made with an intention to commit his murder and were not sufficient in the ordinary course of nature to cause death of the deceased. He, therefore, submits that an arguable case can be made out as against the applicant for the offence punishable under Section 105 rather than Section 103 of the Bharatiya Nyaya Sanhita, 2023. He further submits that the other assailants could have inflicted the fatal blow which are corresponding to the injuries sustained by the deceased as reflected in the post mortem report. He relies upon the medical injury certificate to show that though the applicant is attributed to have inflicted the injury with knife upon the victim/complainant, however, the medical injury certificate issued by the District Hospital, Ahmednagar would show that the injuries sustained by the victim was caused by hard and blunt object and not by any sharp object. Thus, taking into consideration the fact that the victim has succumbed not to the injuries but to the infection as reported in the post mortem report, the applicant may be released on bail, as he is having no criminal antecedents and there is no likelihood that the applicant may indulge into another offence and is ready to abide by any conditions that may be imposed by this Court.

5. As against this, learned APP Mr. Sangle submits that the offence is serious in nature and is punishable with death or life

imprisonment. The applicant being one of the main assailant who has inflicted serious injuries on the person of the victim, which has ultimately resulted into death of the victim, can be convicted for life imprisonment, if the charges against him are proved. The statement of witnesses Nanda Pawar and Asad Shaikh corroborates the allegation as stated in the F.I.R. that the applicant was present with the deceased. The witness Nanda Pawar states about the assault made by the applicant on the person of deceased. The witness Asad Shaikh states about the applicant last seen in the company of deceased. He therefore submits that enough evidence is collected by the prosecution to bring home the guilt of present applicant in the said crime.

6. I have gone through the charge sheet produced on record during the course of hearing filed by the prosecution. Perusal of the post mortem report would show that the cause of death as shown in the post mortem report is by infection of the blood by poisonous bacteria. The injury column would show that there are injuries to the right parietal region and left side occipital region but does not make a mention of any sharp injuries on the ear as is alleged in the F.I.R. The only injury to the ear is multiple abrasions present over left side of face and left ear pinna. Thus, the injury of abrasion is contrary to the allegations as against the present applicant who is alleged to have used knife to cause injury on the ear of the victim.

7. Perusal of the F.I.R. would also show that the injuries caused on the head of the victim, can be attributed to one another accused Sachin as there are allegations in the F.I.R. that accused Sachin has assaulted the victim with a stone lying on the spot. Thus, the allegation of assaulting on the vital parts of the victim can be attributed to the accused Sachin and not to the present applicant. Be that as it may, these are observations prima facie in nature made only with the purpose of deciding the present application and may not adversely affect any proceedings before any other Court. The charge sheet filed by the prosecution does not show that there is any recovery of knife from the present applicant on a memorandum under Section 23 of the B.N.S.S. What is rather recovered on a memorandum from the present applicant Pravin is one leather belt and a wooden stick. Thus, taking into consideration the fact that the applicant is arrested on 17.11.2024 and also the fact that the applicant is having no criminal antecedents, the trial will take its own time to conclude, in my opinion, further detention of the applicant would not serve any fruitful purpose. However, the apprehension of the learned APP can be allayed by imposing stringent conditions upon the applicant. Hence, the following order :

ORDER

- (i) Bail Applications is allowed.

(ii) The Applicant, Pravin Subhash Pawar, be released on regular bail on furnishing PR. bond of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount, in connection with Crime No.1213/2024 registered with Tofkhana Police Station, District Ahmednagar for the offences punishable under Sections 118(1), 115(2), 324(4), 189(2), 190, 352, 351(2), 351(3), 191(2) and 191(3) of Bharatiya Nyaya Sanhita, 2023 and Section 37(1), 37(3) and 135 of Maharashtra Police Act, 1951 and subsequently added sections 103(1), 103(2) and 118(2) of Bharatiya Nyaya Sanhita, 2023, on the following conditions :

(a) The Applicant is directed to attend the concerned police station and report to the concerned Police Station Tofkhana, Ahiyanagar twice in a week on every Wednesday and Thursday between 12:00 p.m. to 02:00 p.m. till framing of charge.

(b) The applicant shall not enter the jurisdiction of concerned police station except for attendance till framing of charge.

(c) The Applicant shall attend each and every date of the Trial Court without fail unless exempted by the Trial Court on emergent consideration.

(d) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(7)

(e) The Applicant shall submit their Aadhar and Pan Cards to the Investigating Officer and detailed addresses and phone numbers of applicants and two of the near relatives.

(f) Single violation of the conditions on the part of the applicant would entitle the prosecution to seek cancellation of bail.

(g) Bail Application stands disposed of.

(MEHROZ K. PATHAN, J.)