



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1956 OF 2025

1. KASHINATH BALAJI GIRI

2. SANTOSH BALAJI GIRI

VERSUS

THE STATE OF MAHARASHTRA

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- Mr. Anil M. Gaikwad, Advocate for Applicants
- Ms. D. S. Jape, APP for Respondent/State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 03.11.2025

PER COURT :

1. The applicants have filed the present application thereby praying for regular bail in Crime No. 274 of 2025, registered with Ramteerth Police Station, Tq. Naigaon, Dist. Nanded, dated 01.09.2025 for offences punishable under Sections 118(2), 117(2), 115(2), 352, 351(2), 351(3) r/w 3(5) of BNS, 2023. FIR No. 274 of 2025 was filed by *Govind Maroti Tuppekar*, thereby stating that he received information from one *Janaji Bagade* that victim - *Maruti Tuppekar* was being assaulted by the applicants alongwith *Mathurabai*. The complainant, therefore, ran alongwith *Rajeshwar Janaji Bagade* on the spot and found that the applicants were assaulting the injured victim *Maruti Tuppekar* by means of.

The complainant thus, prayed for appropriate action and that is how the applicants came to be arrested.

2. It is the submission of learned counsel for the applicants that the applicants are arrested since 08.09.2025. The investigation is almost complete and that further incarceration may not be necessary in view of the fact that there is variance in the statement of the victim and the story put up by the complainant in the First Information Report. The police report/say was submitted before learned Judicial Magistrate First Class wherein statement of *Maruti Tuppekar* is quoted. Perusal of the same would show that the initial prelude to the incident has taken place on 22.08.2025, wherein other accused namely *Gajendra Bhilwande* and *Maroti Bhilwande* has threatened injured victim *Maroti Tuppekar* of dire consequences. It is further stated by *Maruti Tuppekar* that on 28.09.2025, i.e. the date of incident, the entire role is again initially attributed to other accused *Gajendra Bhilwande*, who is alleged to have assaulted the victim by means of iron rod on his head and broken the skull of the victim and accused *Maroti Bhilwande* of assaulting the victim on his legs and causing fracture on his leg. It is thereafter that the role of the present applicants have been narrated by the victim *Maruti Tuppekar*, in assaulting him.

3. It is the submission of the counsel for the applicants that these

allegations were added only to take revenge against the applicants as the mother of the applicants had already filed one FIR being No. 272 of 2025 on 29.08.2025, alleging that *Maruti Tuppekar* had outraged the modesty of the complainant i.e. mother of the present applicants. It is the allegation that to counter to the said FIR the present applicants are being dragged and false allegations are attributed against them. The other two accused against whom the initial assault is attributed, are reported to have obtained *ad interim* anticipatory bail, which is pending before this Court vide order dated 30.09.2025, a copy of the *ad interim* order is produced at the bar by the learned counsel for the applicants, which is taken on record and marked 'X' for identification.

4. As against this, the learned APP has strongly opposed the present application. It it stated that the investigation is yet to be completed and the charge-sheet is not yet filed. It is stated that the variance in the statements of the victim and the complainant, is a matter to be looked into at the stage of trial. As of now, there is enough evidence to bring home the guilt of the present applicants in the said crime. The Discharge summary from the Hospital collected by the Investigating Officer during the course of the investigation shows grievous injuries on the vital part i.e. head of the victim and fracture on the legs of the victim. She therefore, submits that there is

enough evidence, to file a charge-sheet against the present applicants. The learned APP further submits that as the applicants are neighbors to the complainant, there is every likelihood that the applicants may again commit a cognizable offences, if released on bail. She, therefore, prays for rejecting the bail application.

5. I have gone through the case papers made available by the learned APP. It is seen from the record that the First Information Report No. 272 of 2025 is filed by the mother of the applicants *Mathurabai* on 29.08.2025, alleging that the victim has outraged modesty. The present FIR being No. 274 of 2025 is registered after four days of the incident i.e., on 01.09.2025, thus, there is unexplained delay of four days. The learned APP submits that as the injured was hospitalized, the FIR was not lodged immediately. Be that as it may, there is a variance in the FIR as the FIR only attributes the assault on *Maruti Tuppekar* to *Kashinath*, *Santosh* and *Mathurabai*, whereas the statements of injured *Maruti Tuppekar* clearly states about the role of other two accused *Gajendra Bhilwande* and *Maroti Bhilwande* who has initially caused the head injuries on the victim and also fractured injury on the leg of the victim. Thus, the variance in the statements, is a matter to be looked into at the stage of trial. However, looking to the fact that there were counter allegations already pending before the registration of the FIR and that

investigation is almost complete and the applicants are behind bars since 01.09.2025, I am inclined to grant bail to the applicants. The apprehensions of the learned APP can very well be taken care of by imposing stringent conditions upon the applicants.

6. Hence, I pass the following order-

ORDER

- A) The Bail Application is allowed.
- B) The applicants may be released on bail in connection with Crime No. 274 of 2025 registered with Ramteerth Police Station, Tq. Naigaon, Dist. Nanded, dated 01.09.2025 for offences punishable under Sections 118(2), 117(2), 115(2), 352, 351(2), 351(3) r/w 3(5) of BNS, 2023. FIR No. 274 of 2025, on furnishing PR bond of Rs. 50,000/- each with one or two sureties in the like amount to the satisfaction of the trial Court.
- C) The applicants shall not enter the village Narsi, Tq. Naigaon, Dist. Nanded and any incident of entering the village if reported, may entitle the prosecution to seek cancellation of bail on this ground alone.
- D) The applicants shall not tamper with the evidence of the prosecution or threaten the prosecution witnesses.

- E)** The applicants shall attend the police station as and when called by the Investigating Officer, if required before filing of the charge-sheet. After filing of the charge-sheet, the applicants shall make themselves available for trial and attend the dates of the trial, except for in case of exigency they can seek exemption from the learned trial Court.
- F)** The application is allowed in the aforesaid terms.

(MEHROZ K. PATHAN, J.)