



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 2003 OF 2025

GAURAV MURLIDHAR TAWADE (BHOI)

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. A.R. Syed h/f
Mr. Pandit Sushil Pushpendra

APP for Respondent/State : Ms. R.R. Tandale

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CORAM : MEHROZ K. PATHAN, J.

DATE : 19th NOVEMBER 2025

PER COURT :

1. The Applicant has approached this Court, praying for regular bail in connection with Crime No.494/2025 registered with the Shahada Police Station, District Nandurbar for the offences punishable under Sections 109, 352 of the Bharatiya Nyaya Sanhita 2023.
2. The case of the prosecution is that on 04.09.2025 at about 21.30 hours informant was present at Gandhi Chauk in Lord Ganesh procession. Accused was abusing him without any reason. Informant went in a lane for urination. Accused went behind him with wooden stick (Dengara). Out of said anger he issued blow of said weapon behind head of informant. He issued threat of killing him. Friend of informant arrived there. That time accused ran away. Informant sustained bleeding head injury. Said injury was required total 18 + 3

total 21 stitches. On 05.09.2025 FIR was lodged.

3. The learned Counsel for the Applicant submits that the Applicant is arrested on 05.09.2025 i.e. on the date of registration of the FIR. It is his further submission that the allegation in the FIR itself suggests that there was no premeditation on the part of the Applicant so as to attempt to commit murder, and as such, the invocation of Section 109 of the B.N.S. is misconceived. It is further submitted that though there was a head injury, the complainant was not required to be admitted for a long time and was discharged immediately after receiving stitches on the wound. It is his further submission that as the investigation is already complete, the further detention of the Applicant may not be necessary.

4. As against this, the learned APP submits that the offence is serious in nature. Though the Applicant has chosen a vital part of the body to assault by means of a wooden stick, there are eye-witnesses to the incident in the form of the statements of Rahul Bhoi and Dinesh Himpy. The Applicant while in custody, has given a memorandum under Section 23 of the B.N.S. Act, thereby leading to the discovery of the weapon used for commission of offence that is the wooden stick. The injury certificate issued by Rukhmini Accidental Maternity Hospital, shows that the victim has sustained a contused lacerated wound on the scalp in the occipital region. She therefore submits that this is not a case to exercise discretion in releasing the Applicant on bail.

5. I have seen the investigation papers made available by the learned APP. I have also gone through injury certificate of the complainant. It could be seen from the allegations of the FIR that the incident has happened at the spur of the moment without there being any premeditation. However it is a matter of evidence to be proved during the trial. The observations made by this Court are prima facie in nature and may not affect any proceedings before any other Court. However looking to the status of the investigation, it appears that the entire investigation is almost complete and the charge-sheet is likely to be filed soon by the Investigating Officer, the further detention of the Applicant therefore would not serve any fruitful purpose. Hence I am inclined to release the Applicant. The apprehension of the learned APP that the Applicant would tamper with the prosecution evidence and threaten the prosecution witnesses, can very well be taken by imposing certain conditions. Hence, the following order :

ORDER

- (a) The Bail Application is allowed.
- (b) The Applicant – Gaurav Murlidhar Tawade (Bhoi) in connection with Crime No.494/2025 registered with the Shahada Police Station, District Nandurbar for the offences punishable under Sections 109, 352 of the Bharatiya Nyaya Sanhita 2023, he be released on bail on furnishing P.B. of Rs.50,000/- (Rupees Fifty Thousands) with two solvent sureties of the like amount, on the following conditions:

- (i) The Applicant is directed to attend the concerned police

station and report to the Investigating Officer on every Monday of the month, till filing of the charge-sheet.

(ii) The Applicant shall appear before the Investigating Officer as and when called by the Investigating Officer till framing of the charge.

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

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

(v) The Applicant shall submit his Aadhar and PAN Card to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(vi) A single default on the part of the Applicant would entitle the prosecution to seek cancellation of bail.

(c) The Application stands disposed of accordingly.

MEHROZ K. PATHAN
JUDGE