



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

BAIL APPLICATION NO. 2331 OF 2024

Nayan Sujit Shemale

Age: 26 years, Occu.: Labourer,

R/o. Amolda, Tq.Shahada,

Dist.Nandurbar.

....Applicant

Versus

The State of Maharashtra

Through Police Inspector,

Mhasawad Police Station,

Tq.Shahada, Dist.Nandurbar.

.....Respondent

.....

WITH BAIL APPLICATION NO. 188 OF 2025

Sagar Shiva Chaudhari

Age: 26 years, Occu.: Labour,

R/o. Fattepur, Tq.Shahada,

Dist.Nandurbar.

....Applicant

Versus

The State of Maharashtra

Through Police Station Mhasawad,

Dist.Nandurbar.

.....Respondent

.....

Advocate for Applicant in BA/2331/2024 : Mr.Pranit Pramod Patni

Advocate for Applicant in BA/188/2025 : Mr.Sushil P. Pandit

APP for Respondent : Mr.VM.Jaware

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 28 FEBRUARY, 2025

PRONOUNCED ON : 03 MARCH, 2025

ORDER :

1. Both above applications are for grant of regular bail on account of arrest of the applicants in crime no.162 of 2024 registered

at Mhasawad Police Station, Dist.Nandurbar for offence under Sections 302, 307, 341, 342, 143, 147, 148, 149 of the Indian Penal Code (IPC).

2. Present applicants are shown as accused nos.6 and 9 respectively.

Learned counsel for the applicant in Bail Application No.2331 of 2024 would submit that applicant is not named in the FIR. That, subsequently, in the supplementary statement, he is named. That, there are general allegations. That alongwith several other persons, there was beating by kick and fist blows and wooden stick. That, similarly placed accused namely Ravindra Kalusing Thakare and Rahul Motilal Padvi with similar allegations have been granted bail by this Court. Therefore, on the ground of parity, he seeks grant of bail.

3. Learned counsel on behalf of applicant in Bail Application No.188 of 2025 would submit that his client was also not named in the FIR and that, in supplementary statement, he has been named i.e. 2-3 days after the occurrence. That, even against this applicant, there are general allegations about indulging in beating by kick and

fist blows and wooden stick. According to learned counsel, such allegations are vague. That, main accused are Pavan Chaudhari, Vikas Pawar, Jivan Chaudhari and Mohan Chaudhari and they are said to be armed with articles like fighter, knife, dengara (wooden stick). That, their names are conspicuously appearing in the FIR. He pointed out that informant himself did not knew the names of applicants and therefore, their names were not named in the FIR. Had it been otherwise, like others, names of present applicants would also be appeared in the FIR. Thus, according to learned counsel, there is every possibility of false implication in supplementary statement. That, applicants are arrested on 14-06-2024 and 28-06-2024 respectively. That, investigation is over and chargesheet is already filed in September, 2024.

It is submitted that, there are no immediate prospects of matter going for trial and hence, both applicants urge for grant of bail.

4. Learned APP opposed applications on the ground that there is direct eye witness account. That, there is merciless beating to deceased Sawan. That, he was brought in a vehicle and given beating in public place. That, in all 12 accused are named. Learned APP pointed out that there is recovery at the hands of applicants.

According to learned APP, with such serious allegations, the applicants are not entitled for relief.

5. Heard. Perused the papers and FIR dated 13-06-2024 at the instance of one Vikas Sanga Patale and its substance is that on 12-06-2024, he, his friend Anil Valvi and deceased Savan Pawar went to Shiv Mandir vicinity. There, it is alleged that other 4-5 boys and 7-8 persons were already present. Amongst them, Pawan Chaudhari, Jivan Chaudhari, Mohan Chaudhari and Vikas Vishnu Pawar were there. That, out of 7-8 persons, 4-5 were persons were from Moda village and he can identify them, but he did not knew their names. It is alleged that in the backdrop of previous dispute with Savan Pawar, they questioned as to why they had come to the temple and at that time, Pavan was armed with knife and fighter whereas others had wooden sticks. When these persons charged upon, informant and his friends tried to flee, however, informant and Anil both were pulled from Motorcycle and given beating by means of sticks. Sawan managed to flee, but was later on brought in a Bolero vehicle and thereafter, Sawan was assaulted by accused Pawan, Vikas, Jivan, Mohan and Sandip by means of fighter, knife and wooden sticks. On above statement, crime was registered.

It seems that after 2-3 days i.e. on 15-06-2024, informant gave supplementary statement and named present applicants i.e. Nayan and Sagar alongwith other accused for giving kick and fist blows and hitting by means of dengara (wooden stick) to Sawan, Vikas and Anil. Injury certificates show injury suffered by informant and Anil are about suffering lacerated wounds, abrasions and blunt trauma. Recovery of stick is already shown to be effected. Apparently, main allegations are directed against accused Pawan, Jivan, Mohan, Vikas and Sandip. Even as submitted, names of present applicants are not appearing in the FIR. Therefore, considering their such role and when they have not assaulted by using any deadly articles like fighter or knife as used by main accused, they are entitled for the relief. Hence, the following order :

ORDER

- (i) Both Bail Applications are allowed.
- (ii) Applicants i.e. Nayan Sujit Shemale (applicant in Bail Application No.2331 of 2024) and Sagar Shiva Chaudhari (applicant in Bail Application No.188 of 2025) be released on bail in connection with Crime no.0162 of 2024 registered with Mhasawad Police Station, Dist.Nandurbar, on executing Personal Bond of Rs.15,000/- each with one surety in the like amount each.

- (iii) Applicants shall not tamper prosecution evidence.
- (iv) Applicants shall not enter into vicinity of Fattepur, Tq.Shahada, Dist.Nandurbar, till conclusion of trial.

(ABHAY S. WAGHWASE)
JUDGE

SPT