



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 736 OF 2025

Hemant @ Santosh Bagale
Age : 25 Years, Occu : Labour,
R/o : Fattepur, Taluka Shahada,
District Nandurbar.

... Applicant

Versus

The State of Maharashtra
Through Mhasawad Police Station.

... Respondent

**WITH
BAIL APPLICATION NO. 621 OF 2025**

Mohan Soma Choudhary
Age : 26 Years, Occu : Labour
R/o : Madkani, Taluka Shahada,
District Nandurbar.

... Applicant

Versus

State of Maharashtra
Through Police Station Mhasawad,
District Nandurbar.

... Respondent

**WITH
BAIL APPLICATION NO. 622 OF 2025**

1. Pawan Homsing Chaudhari
Age : 32 Years, Occu : Labour
2. Jivan Homsing Chaudhari
Age : 29 years, Occu : Labour,

Both R/o : Madkani, Taluka Shahada,
District Nandurbar. ... Applicants

Versus

State of Maharashtra
Through Police Station Mhasawad,
District Nandurbar. ... Respondent

**WITH
BAIL APPLICATION NO. 656 OF 2025**

Ganesh Ravindra Girase
Age : 19 Years, Occu : Driver,
R/o : Madkani, Taluka Shahada,
District Nandurbar. ... Applicant
[Orig. Accused No.10]

Versus

State of Maharashtra
Through Mhasawad Police Station. ... Respondent

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Mr. S. A. Kulkarni, Advocate for the Applicants in Bail Application
Nos. 736 of 2025 and 656 of 2025.

Mr. S. P. Pandit, Advocate for the Applicants in Bail Application Nos.
621 of 2025 and 622 of 2025.

Mr. P. K. Lakhotiya, APP for Respondent-State in all applications.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 30.04.2025

Pronounced on : 06.05.2025

ORDER :

1. Applicants in all these applications are seeking enlargement on regular bail on account of their arrest in crime no. 0162 of 2024 registered at Mhasawad Police Station, District Nandurbar for offences punishable under Sections 302, 307, 341, 342, 143, 147, 148, 149, 364, 323 of IPC, Section 4/25 of the Arms Act and Sections 37(1)(3) r/w 135 of the Maharashtra Police Act.

2. At the outset, it needs to be mentioned here that, after having heard each side at length, when this Court expressed disinclination to grant relief to applicant no.1 in Bail Application No. 622 of 2025 i.e. Pawan Homsing Chaudhari, learned Counsel Mr. S. P. Pandit, on instructions, sought leave to withdraw the application to his extent, with liberty to approach at later point of time.

3. In view of the above, leave granted. Application of applicant no.1 Pawan Homsing Chaudhari in Bail Application No. 622 of 2025 is disposed off as withdrawn with liberty as prayed for.

4. Both learned counsel for the applicants pointed out that applicants are behind bars since almost a year. That, there are general and omnibus allegations. Co-accused are granted bail. That, almost similar roles are attributed to each of the applicants in present applications as well as those who are granted bail. Investigation is over. No more recovery or discovery is to be made. That, trial would take sufficiently long time to be concluded and as applicants are ready to abide all conditions imposed by this Court, both learned counsel urge for grant of bail primarily on the ground of parity.

5. Learned APP opposes on the ground that roles of present applicants are crystallized. That, serious offence has been committed. There is brutal murder. There is use of deadly weapons. Assault was in front of public in the main square of the village. Learned APP took this Court through postmortem report, and more particularly column no.17, to show number and nature of injuries. Therefore, offence being serious and there being specific allegations against applicants, learned APP opposed the application.

6. Heard. Perused the papers. FIR shows that on 12.06.2024, informant Vikas Patle, Anil Walvi and Sawan Pawar went to the

vicinity of a temple on the bank of river. He reported that, in the backdrop of previous quarrel of Sawan with accused Pawan and Vikas, they were questioned and when informant and his friends were about to leave, it is alleged that, four to five boys pulled Anil as well as informant from the motorcycle and gave them thrashing by means of *dengara* (wooden stick) on various parts of body, and while this was going on, Sawan allegedly managed to flee.

7. Informant further reported that, he and Anil were brought in a Bolero vehicle by five to six people in the village square in front of house of accused Vikas Pawar. Then he reported that four to five of them went in search of Sawan. That time, Pawan was assaulting these two by means of fighter and others were assaulting by wooden sticks, i.e. in the very presence of villagers. Shortly thereafter, in the Bolero vehicle, Sawan was brought in injured condition and he was allegedly dragged and thrown near these two persons and then again given beating. Specific allegations are that Sawan was assaulted by Pawan (applicant no.1 in BA/622/2025 whose application is withdrawn), Vikas, Jivan (applicant no.2 in BA/622/2025) and Mohan (applicant in BA/621/2025) by means of fighter, knife and wooden sticks.

8. *Prima facie* in the FIR at least, name of applicants Hemant (in BA/736/2025) and Ganesh (BA/656/2025) do not appear. Rather, their names are cropped up in the supplementary statement of informant dated 15.06.2024. In similar background, this Court by orders dated 21.01.2025 and 03.03.2025 passed in BA/2035/2024 and BA/2331/2024 respectively, granted bail to co-accused Ravindra, Rahul, Nayan and Sagar, as even their names were not reflected in the FIR, but had surfaced in the supplementary statement. Therefore, even present applicants Hemant (in BA/736/2025) and Ganesh (BA/656/2025) deserve similar treatment.

9. However, as regards applicant no.2 Jiavan in BA/622/2025 and applicant Mohan in BA/621/2025 are concerned, their roles are specific. Right from the beginning they are involved in both episodes. Considering the articles allegedly held by them, manner of assault, nature of injuries and cause of death, these applicants do not deserve bail as prayed for. Hence, I proceed to pass the following order:

ORDER

- I. Bail Application No. 621 of 2025 is rejected.
- II. Application of applicant No.2 Jivan Homsing Chaudhari in Bail Application No. 622 of 2025 is also rejected.

III. Bail Application No. 736 of 2025 and Bail Application No. 656 of 2025 are allowed.

II. Applicants, namely, Hemant @ Santosh Bagale [Bail Application No. 736 of 2025] and Ganesh Ravindra Girase [Bail Application No. 656 of 2025] be released on bail in connection with Crime No. 0162 of 2024 registered at Mhasawad Police Station, District Nandurbar, on executing Personal Bond of Rs. 15,000/- each, with one surety by each in the like amount, on the following conditions:

[a] The applicants shall not tamper prosecution evidence.

[b] The applicants shall not enter village Fattepur, Taluka Shahada, District Nandurbar till conclusion of trial.

[c] The applicants shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[d] The applicants shall attend the concerned police station twice in every week i.e. on every Thursday and Monday between 11.00 a.m. to 02.00 p.m. till framing of charge and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]