



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.402 OF 2025

Pawan Dnyaneshwar Bakal

Vs.

State of Maharashtra, through Police Station Officer, Dhad,
District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. B. K. Suchak, Counsel a/w Mr. V. D. Ruparelia, Counsel for the
applicant.
Mr. N. R. Rode, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/06/2025

1. The applicant came to be arrested on 08.02.2025 in connection with Crime No.43/2025 registered with Police Station Dhad, District Buldhana for the offence punishable under Sections 103(1), 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by Rahul Sahebrao Fadat on an allegation that the informant who is a Government servant at Panchayat Samiti, Jafrabad and residing at Borgaon with the family. On 06.02.2025 at about 7.00 p.m. in the evening, after returning to the house from his workplace, he found that his brother was not present at the house and, thereafter, he slept. On 07.02.2025 in the morning at 6.00 a.m. one of the residents of his village, namely Bhaskar Fadat had

called him and informed that his brother Umesh is lying under the Irla Bridge. He immediately rushed to the spot of incident. During the investigation, it revealed that the other co-accused had assaulted the deceased and caused head injury. The probable cause of death is head injury. It is alleged against the present applicant that present applicant was working as Operator on the JCB owned by the co-accused and during the intervening night on 06.02.2025 at around 2.00 a.m., he assisted the other co-accused to conceal the evidence and to screen him from the legal punishment. There are eye witnesses to the incident. On the basis of the said investigation, the applicant is arraigned as an accused.

3. Heard learned Counsel for the applicant, who submitted that even considering the allegation as it is, only role attributed to the present applicant that he has assisted the other co-accused from screening himself from the legal punishment by concealing the evidence. Now, the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that there is a direct evidence to connect the present applicant with the alleged offence in the nature of the eye witnesses.

Considering the same, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it revealed from the statements of the eye witnesses that the only role attributed to the present applicant is that with the help of the JCB, he has assisted the other co-accused to conceal the evidence and assisted him to screen himself from the legal punishment and thereby committed an offence punishable under Section 238 of the Bharatiya Nyaya Sanhita, 2023. Considering the role attributed to the present applicant and considering the fact that now the investigation is already completed, charge-sheet is already filed, further incarceration of the present applicant is not required. The application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Pawan Dnyaneshwar Bakal** shall be released on bail in connection with Crime No.43/2025 registered with Police Station Dhad, District Buldhana for the offence punishable under Sections 103(1), 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station once in a month i.e. on 5th of every month till the culmination of the trial.

(iv) The applicant shall not leave the jurisdiction of Buldhana District without prior permission of the District Court Buldhana.

(v) The applicant shall not enter into the vicinity of village Borgaon Fadat, Taluka Jafrabad, District Jalna, till the culmination of the trial.

(vi) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(vii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)