



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

CRIMINAL APPLICATION (BA) NO.950/2025

(Dashrath Atmaram Banait Vs. State of Maharashtra, through Police Station Officer, Khamgaon Rural Police Station Khamgaon, Taluka Khamgaon, 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. A.D. Bhate, Advocate for the applicant.

Mr. D.V. Chauhan, Senior Advocate and Public Prosecutor with Mr. N.R. Rode, A.P.P.
for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 19.12.2025.

The applicant is arrested in Crime No.61/2025 for the offence punishable under Sections 103(1), 118(2), 351(2)(3) and 3(5) of the Bharatiya Nyaya Sanhita.

2. It is the case of prosecution that on 3.3.2025 at about 9.30 p.m. while the complainant was returning from Khamgaon to his native village Shelodi, he heard loud noise which sounded like quarrel from the lane next to his residence. He went there and witnessed the incident. He found that in front of the house of Gopal Devidas Banait, his uncle Raghunath Gade and his son Gopal Gade were caught hold by Dashrath Banait and his wife Manorama Banait, and at the same time Pawan Dashrath Banait was assaulting his uncle with a weapon like knife on the stomach and shoulders. His son Gopal Gade attempted to intervene and pacify the fight, however, he was also assaulted on his stomach by knife. An attempt was made by the complainant to intervene which led to threats given by Pawan Banait that if he attempted to intervene he would also be assaulted with knife. The offence is registered against all these persons.

3. The learned Advocate for the applicant has stated that all the accused persons had surrendered themselves, they were sent to Magisterial custody and nothing was recovered from this applicant. Accused No.3 Manorama is already released on bail considering her role by the trial Court. Similar role is played by this applicant. Hence, prayed to release him on the ground of parity.

4. Learned Public Prosecutor opposed the application on the ground that role played by this applicant is that he caught hold of the deceased and restrained him from saving himself by running away from the spot. Though the role is similar, Manorama being lady, she was released on bail. Considering the role of this applicant, though it is similar to that of Manorama, prayed to reject the application.

5. Heard both sides and perused the record.

6. Accused No.3 is released on bail who had caught hold the deceased and the son of the said lady had inflicted the stab injuries with knife on the person of the deceased. Similar role is attributed to this applicant by the eye-witnesses and the complainant. Considering the role played by this applicant and as accused No.3 Manorama is already released on bail, who had played similar role, ground of parity is available to the applicant. Hence, the following order:-

- i) Applicant - Dashrath Atmaram Banait be released on bail in Crime No.61/2025 for the offence punishable under Sections 103(1), 118(2), 351(2)(3) and 3(5) of the Bharatiya Nyaya Sanhita, on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount before the trial Court.
- ii) The applicant shall not in any way tamper with the prosecution evidence.

- iii) The applicant shall not pressurize or threaten the prosecution witnesses.
 - iv) The applicant shall co-operate with the learned trial Judge in the conduct of the trial.
7. The Criminal Application stands disposed of accordingly.

(MRS.VRUSHALI V.JOSHI, J.)