



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

19 BAIL APPLICATION NO. 1884 OF 2025

1. Sharad Prakash Pawara,
Age : 32 years, Occu : Agriculturist,
2. Nilesh Gildar Pawara,
Age : 39 years, Occu : Agriculturist,
3. Gildar Subhan Pawara,
Age : 60 years, Occu : Agriculturist,
All R/o : Higaon, Tq. Shirpur, Dist. Dhule ... Applicants

VERSUS

The State of Maharashtra,
Through Shirpur Taluka Police Station,
Shirpur, Dist. Dhule ... Respondent

WITH
CRIMINAL APPLICATION NO. 3981 OF 2025
IN BA/1884/2025
(Jasmabai Vhipsing Pawara V. Sharad Prakash Pawara and others)

...
Advocate for Applicants : Mr. Mangesh G. Patil
A.P.P. for Respondent/State : Mrs. P.V. Diggikar
Advocate for applicant (Cri. Appln. 3981/2025) : Mr. V.P. Raje

CORAM : SHAILESH P. BRAHME, J.

DATE : 07.04.2026

PER COURT :

Heard both sides. Criminal Application No. 3981 of 2025, seeking to assist the APP is allowed.

2. The applicants are seeking regular bail in connection with Crime No.150 of 2025, registered with Shirpur Police Station, Dist. Dhule for the offences punishable under Section 103(1), 115(2), 118(1), 189(2), 189(4), 190, 238, 351, 352 of Bharatiya Nyaya Sanhita, 2023.

3. It is reported to the Police by wife of the deceased Vhipsing – Jasmabai, that on 27.05.2025, there was quarrel in between Anasingh on one hand and accused persons on other on count of construction of house. Anasingh was beaten by those persons. Deceased tried to pacify the quarrel but he was also assaulted by wooden log by accused Kundan and Mundan. It is alleged that applicants were also assaulting by fists and blows to the deceased and Anasingh.

4. Learned counsel for the applicants submits that no assault by wooden log is attributable to the applicants. They are alleged to have assaulted by fists and blows. Statement of Anasingh also does not attribute any serious overt act. They are in jail since 30.05.2025. Chargesheet is filed on 19.08.2025. There was no intention and no antecedents are reported against them.

5. Learned APP repels the submissions, mainly on the ground that the presence of the applicants is evident. They formed unlawful assembly and participated in assaulting the deceased and Anasingh. The assault is serious in nature which is evident from four injuries sustained by the deceased and the death is due to the injuries. Applicant no. 3 happens to be Ex-Sarpanch. The applicants are influential persons. Additionally, it is submitted that the statement under section 183 corroborate the prosecution theory.

6. Informant, Anasingh and Raulibai are the eye witnesses. Their version does not disclose that applicants were armed with any weapon. Co-accused Kundan and Mundan were having wooden log. The motive attributable to the accused is construction of house and it was in between accused and Anasingh. It reveals that there was exchange of words in between deceased - Vhipsing and applicant no. 3 – Gildar.

7. There is no clinching material on record to show that there was common intention for the applicants along with Kundan and Mundan, to commit murder of deceased - Vhipsing. The controversy could be at the most attributable to Anasingh. At this stage, it is difficult to gather that unlawful assembly was formed with a common object. It would be a matter of trial to come to any definite conclusion.

8. Applicants are behind bars since 30.05.2025. The investigation is over. The apprehension of learned APP that applicants are influential, cannot be ignored but that is not sufficient to detain them in jail any further.

9. Learned APP has relied upon judgment of the Apex Court in *Shobha Namdev Sonavane V. Samadhan Bajirao Sonvane and others; 2026 INSC 181*. I have gone through paragraph no. 25 to 27. However, facts are distinguishable. I have observed that in the case at hand, common object is difficult to gather. Hence, overt act attributable to the applicants needs to be segregated from the overt act of the main accused. Further reliance is placed on the judgment of Supreme Court in *Manno Lal Jaiswal Vs. The State of Uttar Pradesh and another (Criminal Appeal No. 97 of 2022 – Judgment dated 25.01.2022)*. The facts in that case are distinguishable. The accused were armed with deadly weapons like sword, hockey stick and rod and there was definite *mens rea* and common intention for the accused. The ratio laid down cannot be made applicable in the present case.

10. Hence, I pass the following order :-

ORDER

I) The Bail Application is allowed.

II) The applicants shall be released on bail in connection with Crime No.150 of 2025, registered with Shirpur Police Station, Dist. Dhule for the offences punishable under Section 103(1), 115(2), 118(1), 189(2), 189(4), 190, 238, 351, 352 of Bharatiya Nyaya Sanhita, 2023 on following conditions:

(a) The applicants shall furnish P.R. bonds of Rs.20,000/- (Rs. Twenty Thousand only) each with one solvent surety each of like amount.

(b) The applicants shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicants shall furnish their mobile/cell number and address to the investigating officer.

(d) The applicants shall stay away from entire Shirpur Taluka, District - Dhule. The applicants shall be at liberty to attend the Sessions Trial at Shirpur in case proceedings are transferred from Dhule to Shirpur in future.

(SHAILESH P. BRAHME, J.)

arp/-