



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

23 BAIL APPLICATION NO. 1988 OF 2025 WITH
CRIMINAL APPLICATION NO. 4228 OF 2025
IN BA/1988/2025

Gopinath Fattu PawarApplicant

VERSUS

The State of MaharashtraRespondent

Mr. Anil Gaikwad, Advocate for the Applicant.
Smt. R. R. Tandale, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 19th JANUARY, 2026.

PER COURT :

1. Applicant seeks regular bail in connection with Crime No. 4/2025 registered with Mukhed Police Station, Dist. Nanded, for the offence punishable under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023.

2. Prosecution case is that on 05.01.2025 at about 2.37 am, when the informant was at Malegaon Yatra, he received phone call from his father informing that the the Applicant has severely assaulted him. When the informant returned back to his house and went to the place where sheep were kept in the field, one Hanmant Kamale told

him that his father became unconscious as was taken to the hospital by his relatives. Later on, the informant came to know that in the intervening night of 04.01.2025 and 05.01.2025, when his father along with Hanmant Kamale and present Applicant was sleeping in the field, dispute took place between them. In the night at about 1.0- to 1.30 am, Hanmant Kamale heard shouts and saw that applicant was threatening and beating the father of the informant with iron rod and iron sickle. In this backdrop, First Information Report came to be registered.

3. Learned Counsel for the Applicant submits that the Applicant is falsely implicated in the offence. Since the Applicant could not repay the borrowed amount to the father of informant, false First Information Report is registered against the Applicant. The Applicant is 78 years old and is behind the bars for almost one year. Recovery of the alleged weapon is done. Nothing further is to be recovered at the instance of the Applicant. It is further submitted that the witnesses are closely related to the informant. Investigation in the crime is complete and charge-sheet is filed. Hence, further incarceration of the Applicant is not warranted.

4. Per contra, learned APP vehemently opposed the application citing serious nature of the crime. It is submitted that the injury certificate indicates that the injured sustained are grievous injuries. Statement of eye-witness supports the case of prosecution indicating complicity of Applicant in the crime. It is further submitted that the injured was hospitalised for substantial period shows grievous nature of the injuries. An apprehension is also expressed that if the Applicant is enlarged on bail there is every possibility of tampering the prosecution evidence. Hence, prayed to reject the application.

5. Upon hearing submissions of both sides and on perusal of the record, including charge-sheet, prima facie, it is evident the Applicant was arrested on 05.01.2025. The weapon allegedly used in the offence is recovered. The fact that the Applicant also sustained injuries in the incident cannot rule out the possibility of over implication.

6. Looking at the age of the Applicant and keeping in view the verdict of Hon'ble Apex Court in the case of Javed Gulam Nabi Shaikh vs. State of Maharashtra and others, **MANU/SC/0609/2024** dated 03.07.2024, the indefinite incarceration of the Applicant is not

warranted. Hence, I am inclined to exercise discretion in favour of the Applicant.

7. Hence, the following order :-

ORDER

(i) Application is allowed.

(ii) Applicant, Gopinath Fattu Pawar, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No. 4/2025 registered with Mukhed Police Station, Dist. Nanded, for the offence punishable under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

(a) The Applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The Applicant shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.

(c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and

phone numbers of the Applicant and two of the near relatives.

(d) In case of breach of any of the conditions by the Applicant, it is open for the prosecution to move this Court seeking cancellation of bail.

(e) Pending application, if any, stands disposed of.

(iii) Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

(SACHIN S. DESHMUKH, J.)

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