



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

BAIL APPLICATION NO. 2453 OF 2025

1. VIRSING PRUTHVISING PADVI
2. DINESH PRUTHVISING PADVI
3. RAVIDAS PRUTHVISING PADVI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Aashish T. Jadhavar

APP for Respondents : Mr. C. V. Badhane

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 12-02-2026

PER COURT:-

1. The applicants seek bail in connection with Crime No.55 of 2025 dated 15.04.2025 registered with Police Station Molgi, District Nandurba, for the offences punishable under Sections 103(1), 109(1), 351(3) and 3(5) of the *Bharatiya Nyaya Sanhita, 2023*. In the said crime, the applicants were arrested. After completion of the investigation, the chargesheet has been filed.

2. It is case of the prosecution that the informant and the applicants are relatives of each other, residing at Jamana village, Tal.Akkalkuwa. The agricultural land of informant's father and accused No.1/father of applicants was partitioned between them and, accordingly, they were cultivating their share. On 14.04.2025 at about 11.00 a.m., the informant and his father went for cutting a tree situated in the field came in their share. While cutting the

tree, accused came there and they restricted informant and his father from cutting the tree by saying that, the said tree situated in the field came in their share. That time, a quarrel was taken place between the accused on one part and informant and his father on other part. In that quarrel accused have abused, threatened and assaulted the informant and his father. That time, accused have assaulted the informant's father by means of hands, legs and stone and thereby killed him. They also raised an axe for assaulting the informant and thereby attempted to commit his murder.

3. The learned counsel for the applicants submits that the applicants have been falsely implicated solely to involve them in a criminal case. The incident occurred at the spur of the moment without prior motive or premeditation, and the applicants have no criminal antecedents. Furthermore, the investigation is now complete and the chargesheet has been filed, with the weapon used in the crime already seized by the Investigating Officer. As the investigation has been concluded and a co-accused has already been enlarged on bail, the applicants are entitled to the same relief on the ground of parity. Hence, it is prayed that the application be allowed and the applicants be enlarged on bail.

4. The learned A.P.P. has strongly opposed the application, submitting that the that the applicants are involved in a serious

offence supported by the sufficient evidence collected to prove their guilt. A specific role has been attributed to each applicant, involving a severe assault over a trifle reason that resulted in injury. It is contended that if released on bail, there is a strong possibility that the accused may threaten or pressurize the prosecution witnesses, abscond, or repeat the crime. By contending the serious nature of the incident and the gravity of the offence, the learned A.P.P. prayed for the rejection of the application.

5. Having heard the respective counsel from both the sides and upon perusal of the material on record, prima facie indicates that the alleged incident was without a premeditated plan or long-standing enmity, but rather a sudden flare-up arising from a bona fide dispute over the boundary of partitioned ancestral property. The scuffle appears to have erupted at the spur of the moment during the act of cutting a tree, suggesting a lack of prior intent to cause death.

6. The principle of parity also weighs heavily in favor of the applicants, as a co-accused similarly situated in the alleged transaction has already been released. To maintain judicial consistency and ensure that the trial does not become a period of pre-conviction punishment, discretion deserves to be exercised in favour of the applicants.

7. In any case, the investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further detention of the applicants as an under-trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable.

8. The apprehension expressed by the learned APP can be adequately taken care of by imposing stringent conditions. Thus, I am inclined to exercise discretion in favor of the applicant.

9. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicants, (1) Virsing Pruthvising Padvi, (2) Dinesh Pruthvising Padvi and (3) Ravidas Pruthvising Padvi, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) each, with one or two local solvent sureties, in the like amount, in connection with Crime No.55 of 2025 dated 15.04.2025 registered with Police Station Molgi, District Nandurba, for the offences punishable under Sections 103(1), 109(1), 351(3) and 3(5) of the *Bharatiya Nyaya Sanhita, 2023*, on the following

conditions :-

- (a) The applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicants 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 applicants shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers 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.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

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