



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 81 OF 2026

DIPAK SAMBHAJI MAHAJAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants: Mr. V. D. Hon, Senior Counsel i/b
Mr. Bhushan Mahajan
APP for Respondent-State : Ms. P. V. Diggikar

CORAM : SACHIN S. DESHMUKH, J.
Date : 2nd February, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 16.12.2025 bearing Crime No. 463 of 2024 registered with Bhadgaon Police Station, Dist. Jalgaon for the offences punishable under Sections 105 and 106 of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that on 16.12.2025, the complainant Dnyaneshwar Ramdas Wagh lodged a report at the Bhadgaon Police Station alleging that his son Mayank (alias Sanket), aged 4 years, was a student of Junior KG at Adarsh English Medium School, Kothali Road, Bhadgaon. Approximately at 10:00 am on the same day, while the complainant was at village Wade, Taluka Bhadgaon, received a telephonic communication from his

sister Bharti Wadekar informing that Mayank and another student Ansh Sagar Tahsildar (aged 4 years), were missing from the school premises.

3. Following the above information, the complainant instructed his brother-in-law Kailas Wadekar to proceed to the school to search for the children. Thereafter Kailas Wadekar informed the complainant via telephone that both Mayank and Ansh had fallen into a drain adjoining the school premises and had succumbed to the injuries.

4. The prosecution contends that the deaths of the two minor students occurred because the school's safety wall was in a dilapidated condition, which resulted in the children falling into the said drain while they were heading to the toilet. It is alleged that the fatalities were the direct result of the rash and negligent acts of the school authorities. Consequently, on the basis of this information, the police have registered an offence against the Managing Director, Directors, Principal, and Teachers of the institution.

5. The learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in

the offence. Without admitting to the occurrence of the unfortunate accident on 16.12.2025, it is submitted that the incident, while deeply tragic, does not attract the ingredients of Section 106 of the BNS (Section 304A IPC) against the present applicants. The roles of the Managing Director, Directors, and Teachers are administrative and pedagogical; cannot be held liable a sudden accident in a criminal prosecution. Hence, prayed to allow the application.

6. The learned APP opposed the application, submitting that the grave and heinous offence has been committed resulting in the tragic loss of two innocent lives. The incident dated 16.12.2025 is not a mere accident but a direct consequence of gross and criminal negligence on the part of the school authorities. Furthermore, the APP argued that if the applicants are enlarged on bail, there is every possibility of the prosecution evidence being tampered with. Accordingly, it was prayed that the application be rejected.

7. Upon considering the submissions of both sides and perusing the material on record, the Court expresses its deepest sympathies regarding the tragic incident that occurred on 16.12.2025 involving the loss of two minor lives. However, in matters of personal liberty, the Court must distinguish between a

tragic accident and a criminal act.

8. The primary allegation against the applicants is one of negligence under the BNS. It is a settled principle that for an act to be punishable as criminal negligence, there must be a direct and proximate nexus between the act of the accused and the death. In the present case, whether the broken safety wall constitutes a "rash or negligent act" personally attributable to the Directors or Teachers is a matter of trial.

9. The investigation is almost complete. Nothing remains to be recovered at the instance of applicants. Furthermore, the applicants are permanent residents with deep roots in the society, making them unlikely flight risks. Since the prosecution case is largely based on the physical state of the school infrastructure and documentary evidence already available to the Bhadgaon Police, the apprehension of tampering with the evidence is minimal.

10. In view of the above, 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. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

11. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicants - **Dipak Sambhaji Mahajan, Ramesh Eknath Mahajan, Vinod Shivram Mahajan, Ravindra Eknath Mahajan, Manoj Kautik Mahajan** and **Soniya Bhadu Vanjari** be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two local solvent sureties in the like amount, in Crime No. 463 of 2024 registered with Bhadgaon Police Station, Dist. Jalgaon for the offences punishable under Sections 105 and 106 of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-
 - (a) The applicants shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicants shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
 - (d) Breach of any of the conditions by the applicants would entail the cancellation of the bail.

- (iii) Needless to states 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, J.)

Omkar Joshi