



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.121 OF 2026**

1. Bhagatsing Botya Pawara,
Age:- 48 Years, Occu- Agri.
R/o. Bilgaon Bordipada, Tal- Dhadgaon
Dist- Nandurbar.
2. Rahul Bhagatsing Pawara,
Age:- 22 Years, Occu- Agri.
R/o. Bilgaon Bordipada, Tal- Dhadgaon
Dist- Nandurbar.

..Applicants

Versus

The State of Maharashtra,
Through Dhadgaon Police Station,
Dist- Nandurbar.

..Respondent

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Mr. S. A. Kulkarni, Advocate for the Applicants.
Mr. A. R. Kale, APP for Respondent.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 12th MARCH, 2026.

P.C.:-

1. The applicants seeks regular bail in connection with Crime No.27/2025 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable under Sections 103(1), 3(5) of Bhartiya Nyaya Sanhita, 2023.

2. The investigation was set in motion on the basis of information given by Kothibai Khajya Pawara. She states that she resides alongwith her son, daughter-in-law, grandson and granddaughter. Her son Tatya and his family members are engaged in agriculture. Her elder son namely Phadya and his wife are also residing beside house of Tatya. On 02.03.2025 while she was taking care of cattle, her son Phadya was coming back from

river side. At that time, accused persons arrived on spot. The accused Sandip Pawara was holding axe. He was abusing Phadya. The accused persons approached to Phadya. The accused Bhagatsing, Rahul and Sandip started quarreling with him and raised assault by fist, kick blows and stones. The accused Bhagatsing and Rahul caught hold hands of Phadya, whereas Sandip inflicted two to three blows of axe on Phadya. Then they dragged him below hill. Thereafter, other villagers and family members arrived at spot. Phadya was taken to hospital. However, he was declared as dead.

3. The investigation progressed in pursuance to registration of offence. In all three accused persons are named in FIR including applicants. After investigation, charge-sheet has been filed. The applicants moved before Sessions Court for grant of bail. However, their application came to be rejected vide order dated 24.12.2025. Hence, this Bail Application.

4. Mr. Kulkarni, learned Advocate appearing for applicants submits that applicants are falsely implicated on account of civil dispute between parties. Perusal of FIR would show that applicants have not used any weapon. The accusation of inflicting fatal blows of axe are only against accused Sandip. There are no criminal antecedents to discredit applicants. The trial will take its own course. Therefore, he seeks grant of bail.

5. The learned APP strongly opposes prayer for grant of bail.
6. Perusal of FIR would show that dispute arose on account of rights over agriculture land. The FIR stipulates that while deceased Phadya was returning back from river towards field, accused persons arrived on spot. They raised quarrel with him and then raised assault, initially by fist and kick blows or stones. Finally applicants caught hold hands of deceased Phadya and Sandip inflicted two to three blows of axe. The aforesaid statement in FIR is supported by eye witnesses of incident namely Shevantabai, Rakesh and Geeta. The role of applicants is specified in all these statements. The medical papers shows that deceased had suffered atleast eight injuries. Two of them were on neck and occipital region attributed to use of axe.
7. All accused persons came together and attacked deceased. The applicants caught hold hands of deceased Phadya facilitating accused Sandip to give axe blows. There is sufficient material to indicate involvement of applicants in commission of offence. Although they are not attributed of inflicting axe blows, they played vital role in commission of offence. In that view of matter, release of applicants on bail may hamper smooth trial.
8. In result, Bail Application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE