



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

BAIL APPLICATION NO. 227 OF 2026

1. Devidas s/o. Baburao Dhere
2. Mahadu @ Mahadev s/o. Devidas Dhere
3. Kisan s/o. Bapurao Dhere
4. Dilip s/o. Kisanrao Dhere .. Applicants

Versus

The State of Maharashtra  
Through Police Station Officer,  
Ghansawangi Police Station,  
Taluka Ghansawangi, District Jalna .. Respondent

Mr. P. P. More, Advocate for Applicants;  
Mr. B. B. Bhise, APP for Respondent

**CORAM : SACHIN S. DESHMUKH, J.**

**DATE : 12-02-2026**

**PER COURT:-**

1. The applicants seek regular bail in connection with Crime No.530 of 2025 dated 10.10.2025, registered with Ghansawangi Police Station, Taluka Ghansawangi, District Jalna, for the offences punishable under Sections 191(3), 191(2), 190, 189(2), 352, 351(2), 115(2), 103(1) of the *Bhartiya Nyaya Sanhita, 2023* and Section 135 of the Maharashtra Police Act. In the said crime, the applicant was arrested on 14.10.2025. After completion of the investigation, the chargesheet is filed.

2. The prosecution case is that on 09.10.2025 at about 08.00 am, co-accused No.1 Keshav took a tractor through the land of the informant situated at Bodkha Shivar Gut No.295, Taluka Ghansawangi, District Jalna, the husband of the informant told co-

accused Keshav do not drive a tractor through his land. Due to same reason, some quarrel took place between them. Later on, at about 01.30 pm, the informant and her husband were working in the land, accused Keshav again entered in their land with tractor, informant & her husband again restrained. On that, he abused them, the applicants - Devidas, Mahadu, Kisan and Dilip came there abused them, applicant Mahadu assaulted on the left leg of her husband by means of iron tommy. Applicant Keshav assaulted on the head of her husband by means of iron rod due to assault her husband fell down and blood was oozing. Applicants Devidas, Kisan and Dilip assaulted to her husband by means of sticks, due to assault her husband became unconscious. Accused persons threatened informant for not to disclose the fact of assault to her husband to anybody otherwise they will kill her son Sachin. Due to which, informant felt giddy, upon regaining consciousness at about 04.00 p.m., and found her husband. Her husband was unconscious. Thereafter, called her relatives on phone. Her relatives came there and informed her that, her husband is dead. Accordingly, lodged the complaint at police station.

3. Learned counsel for the applicants submits that there is false implication of the applicants. No specific overt act is attributed to the applicants. The allegations are vague and general in nature. The allegation of assault is against co-accused No.1. The informant is not the eyewitness of the incident. The information

given in the Rural Hospital, Ghansawangi that the death is due to accident. On the basis of information of accidental death, the criminal law set in motion. The informant reported the incident but the evidence collected between 09.10.2025 and 10.10.2025, did not disclose the assault by the applicants to the deceased, indicates that the informant is not eyewitness. The prosecution story is concocted and number of accused are added in the report with *mala fide* intention to implicate all family members in the alleged crime.

4. It is further submitted that the entire conduct of the informant is doubtful and the same is not reliable evidence. Deceased Babasaheb was habitual offender, many crimes were pending against him. There is family dispute between the accused and the family of informant, therefore, they are falsely implicated in the alleged crime. There is variance between the statements of witnesses regarding assault to the deceased. There was no intention or motive to assault to the deceased. There is unexplained delay in lodging complaint. Nothing remains to be seized from the applicants. The investigation is complete and the charge-sheet is filed. Hence, prayed to admit the applicants on bail.

5. Learned A.P.P. has vehemently opposed the application and submitted that the learned A.P.P. strongly opposed the application, contending that the nature of the offence is grave and serious. It

is submitted that the applicant targeted vital parts of the injured, an act corroborated by the statements of eyewitnesses present at the scene. The multiple injuries were inflicted to the injured by the applicants. The specific role is attributed against the applicants. Further, expressed the apprehension that the applicants is likely to abscond or tamper with the prosecution witnesses, if they may be released on bail. Hence, prayed to reject the application.

6. After hearing at length, when this Court was not inclined to consider the bail application to the extent of applicant No.2, Mahadu @ Mahadev s/o. Devidas Dhere, the learned counsel for the applicants seeks leave to withdraw the application of applicant No.2. Leave granted.

7. Upon considering the submissions of both sides and perusal of the record, including the chargesheet, *prima facie*, indicates that the investigation is complete and the chargesheet has been filed. While the prosecution alleges a serious offence resulting in the death of the informant's husband, the role attributed to Applicants Devidas, Kisan, and Dilip is significantly distinct from that of the other co-accused. The record reflects that the fatal injury is specifically attributed to the main accused who is not before this Court in the present application. As the application stands withdrawn as against Applicant Mahadu, this Court is restricting to *prima facie* assessing the overt acts of the remaining applicants allegedly, whose roles are limited to the use of sticks

and lack the specificity of the fatal blow.

8. Furthermore, the allegations against Applicants Devidas, Kisan, and Dilip are of a general and omnibus nature. While they are stated to have used sticks, the prosecution has not attributed any specific, fatal, or grievous injury to a particular vital part of the deceased's body at their hands. *Prima facie*, their presence at the spot appears to be doubtful since without refers to the presence of accused Mahadu and Keshav only and there is no evidence to suggest that they were the primary orchestrators of the fatal assault. As such, *prima facie* a case of over implication.

9. Furthermore, no recovery is pending from applicants No.1, 3 and 4 and the medical evidence requires detailed scrutiny during the trial. Moreover, the role of these applicants, *prima facie*, appears secondary and does not necessitate further custodial incarceration to secure their presence for the judicial process.

10. 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.

11. Hence, the order:-

#### ORDER

- (i) Bail application of applicants No.1, 3 and 4 are allowed.
- (ii) Applicants No. (1) Devidas s/o. Baburao Dhere, (3) Kisan s/o. Bapurao Dhere and (4) Dilip s/o. Kisanrao Dhere, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees

Fifty Thousand) each, with one solvent surety of the like amount in Crime No.530 of 2025 dated 10.10.2025, registered with Ghansawangi Police Station, Taluka Ghansawangi, District Jalna, for the offences punishable under Sections 191(3), 191(2), 190, 189(2), 352, 351(2), 115(2), 103(1) of the *Bhartiya Nyaya Sanhita, 2023* and Section 135 of the Maharashtra Police Act, on the conditions that;

- (a) The applicants shall not pressurize the prosecution witnesses and shall not 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.
  - (c) The applicants shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
  - (d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move concerned Court seeking cancellation of bail.
- (iii) Bail application of applicant No.2 Mahadu @ Mahadev s/o. Devidas Dhere stands dismissed as withdrawn.
- (iv) Needless to state that the observations rendered herein are to the extent of these applications and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]