



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

34 BAIL APPLICATION NO. 278 OF 2026

Ram @ Satish S/o. Santosh Sonawane
Age : 27 years, Occupation : Service,
Resident of At Post Patonda,
Nandurbar, Tal & Dist. : Nandurbar,
Maharashtra

... Applicant

VERSUS

The State of Maharashtra,
Through : The Police Inspector /
Investigating Officer,
Nandurbar City Police Station,
Nandurbar, Tal. & Dist. : Nandurbar

... Respondent

...
Advocate for Applicant : Mr. Ajaykumar D. Ostwal
A.P.P. for Respondent/State : Mr. Mr. P.V. Diggikar

CORAM : SHAILESH P. BRAHME, J.

DATE : 08.04.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 522 of 2026, registered with Nandurbar Police Station, for the offences punishable under Section 103(1), 109, 118(1), 115(2), 189(2), 191(2), 191(3), 3(5) of Bharatiya Nyaya Sanhita, 2023, under section 37(1), 37(3), 135 of Maharashtra Police Act.

3. A report is lodged with Police on 19.08.2024 by Vishal Ranchod Gavit that at night on a day prior thereto, there was meeting in between two groups to settle the disputes amongst them. The meeting was projected to settle the disputes which occurred during the Ganpati festival in the village. It is stated that a free fight started and informant was assaulted by stone by the applicant and, thereafter, Vishnu Ratan Gavit was given blow by him by wooden stick on his

head. The members present over there also assaulted each other. Later-on, it was reported that Vishnu succumbed to the injuries.

4. Applicant was arrested on 19.08.2024. Charge-sheet was filed on 21.03.2025.

5. Applicant also lodged a complaint on 19.08.2024 at later point of time against Vishal (informant), Shantilal, Vishnu (deceased) and Danvel. It is alleged that in the meeting which took place on 18.08.2024, there was fight amongst the members of the two groups. Vishal assaulted applicant by wooden stick and Danvel assaulted by iron chain on his head. Santosh, Vishnu (deceased) also assaulted Dinesh by wooden stick.

6. The chargesheet is filed against 6 persons and all of them are released on bail except the applicant. In this backdrop, learned counsel for the applicant seeks bail on the ground that there was no criminal intention to eliminate the deceased. It was free fight and members of both the groups were assaulted. Co-accused Supdu and Arun were released on bail against whom similar allegation were made. There is no clinching material against the applicant and he is falsely implicated in the offence.

7. Per contra, learned APP would submit that FIR and account of eye witness Gajanan and Vishal are consistent. Post mortem report shows head injury. There are oral dying declarations in the form of statement of Bharti and Ratan. The statements of Pravin and Gajanan also corroborate the prosecution story. Charge has been framed and very soon the trial is likely to be concluded.

8. It is a case of cross-complaints. There was free fight in the rival groups on accounts of issues in respect of Ganpati festival. Members of both the groups received injuries. In the mob lynching, Vishnu succumbed to the injuries. Informant Shubham as well as applicant who is informant in cross-complaint, received injuries.

9. There is a material to show that applicant used wooden stick to inflict blow on Vishnu. The post-mortem report also shows that death is due to the head injury. There are statements of the eye witnesses to show involvement of the

applicant.

10. It is relevant to notice that there is absence of *mens rea* to eliminate Vishnu or any other member of the rival group. It is not a case that applicant had gone to the incident with a intention, preparation and armed with weapon. The sticks used in the assault are available at village and that itself cannot be said to be the preparation. The members from both the groups received the injuries.

11. The chargesheet is filed in both the cases. All accused are released on bail except the present applicant. No antecedents are reported against him. A care can be taken by imposing stringent condition but it is not a case to deny bail to the applicant.

12. I, therefore, pass the following order :-

ORDER

I] The Bail Application is allowed.

II] The applicant shall be released on bail in connection with Crime No. Crime No. 522 of 2026, registered with Nandurbar Police Station, for the offences punishable under Section 103(1), 109, 118(1), 115(2), 189(2), 191(2), 191(3), 3(5) of Bharatiya Nyaya Sanhita, 2023, under section 37(1), 37(3), 135 of Maharashtra Police Act, on following conditions:

(a) The applicant shall furnish P.R. bond of Rs.40,000/- (Rs. Forty Thousand only) with one solvent surety of like amount.

(b) The applicant shall not enter village Patonda, Tq. and District Nandurbar till conclusion of the trial and he shall report whereabouts and the contact number to the Investigating Officer.

(c) The applicant tamper with prosecution evidence or contact with the prosecution witnesses.

(d) The applicant shall surrender his Adhaar and PAN cards to the Investigating Officer.

(e) Applicant shall co-operate for expeditious disposal of the trial.

(SHAILESH P. BRAHME, J.)

arp/-