



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 957 OF 2026

KALPESH ALIAS BANTI ARUN GANGATIRE AND ANOTHER
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicants : Mr. Shantaram R. Dheple

APP for Respondents-State : Mr. S. D. Ghayal

CORAM : SACHIN S. DESHMUKH, J.

Date : 9th June, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 16.03.2026 bearing Crime No. 39 of 2026 registered with Bodwad Police Station, Dist. Jalgaon for the offences punishable under Sections 190, 189(2), 110 of Bharatiya Nyaya Sanhita, 2023.

2. The informant Kokila Sunil Daive resides at Hanuman Nagar, Bodwad, Taluka Bodwad, District Jalgaon, with her husband, Sunil Daive, and their family members. The family's livelihood depends entirely on a Pan stall run by Sunil in Bodwad city. The incident originated on 11.03.2016 approximately at 9:00 pm, when the assailants, namely Sai Arun Gangatire, Kalpesh Arun Gangatire, Rushikesh Samadhan Gangatire, and Prem Sanjay

Gangatire, began generating a loud and disruptive noise in front of the informant's house. When the informant's brother-in-law, Ravindra Daive, confronted the group about their objectionable behaviour, the accused turned violent. Becoming instantly enraged, they charged at Ravindra, subjected him to severe verbal abuse, and physically assaulted him using kicks and fist blows.

3. The informant and her nephew, Deepak, immediately stepped in to intervene, the quarrel and rescuing Ravindra from further harm. Shortly thereafter, Sunil Daive returned home after closing his shop. Upon noticing his arrival, a neighbouring accomplice, Devidas Prabhakar Gangatire, alerted the other assailants, prompting the entire group to launch a targeted aggression. The accused returned to the informant's residence, shouting abuses and escalating the conflict. Although the informant, her nephew Deepak, and local neighbours, Nilesh Teli, Dinesh Labhane and Umakant Patil attempted to pacify the situation through reasonable dialogue, the assailants refused to listen. They forcibly dragged Sunil out of his house and brutally assaulted him with kicks and fist blows directed at his stomach, chest, and back.

4. During this coordinated attack, the accused, Rushikesh Gangatire and Kalpesh Gangatire, deployed knuckledusters (fighters) to strike Sunil repeatedly on his neck, chest and the back of his head before fleeing the scene. The medical complications arising from the assault manifested the following morning, 12.03.2016 at around 5:30 a.m., when Sunil began experiencing severe giddiness. The informant and her nephew, Rupesh Daive, rushed him to Shri Clinic in Bodwad, where Dr. Sudhir Patil administered preliminary treatment and medicines. However, upon returning home, Sunil's condition relapsed rapidly, forcing them to return to the same clinic. Recognizing the severity of the internal trauma, the doctor advised immediate transfer to a specialized medical facility in Jalgaon.

5. Consequently, Sunil was admitted to Nucleus Hospital, Jalgaon, for three days of critical medical care, before being shifted further for advanced neurological treatment. Following these emergency medical arrangements, the informant approached the Bodwad Police Station on 16.03.2016 and lodged the First Information Report against the accused.

6. The learned counsel for the applicants submits that the

alleged incident took place on 11.03.2016, whereas the FIR was registered on 16.03.2016. Thus, there is an unexplained delay of five days in approaching the police. This substantial delay points squarely toward a deliberate, well-calculated and concocted narrative designed to falsely rope in multiple family members of the accused and the alleged incident has occurred at the spur of moment and not a pre-determined one. The investigation is on the verge of completion. Nothing further remains to be recovered from the applicants. Hence, it is prayed that the application be allowed.

7. The learned APP for the State vehemently opposed the application, submitting that the accused / applicants involved in the serious nature of crime. Committed the serious nature of the offense, it is contended that the applicant's release on bail would pose a significant risk of tampering with evidence. Consequently, the prayed for the application to be rejected.

8. Upon considering the submissions from both sides and perusing the record, the alleged incident of assault took place on the night of 11.03.2016 at around 09:00 p.m. However, the FIR was set in motion on 16.03.2016, marking a significant delay of five days. While the prosecution contends that the informant was occupied with the medical treatment of her husband, the record

prima facie reflects that the informant was accompanied by multiple adult family members, including her brother-in-law Ravindra and nephew Rupesh. No justifiable reason is brought forth as to why none of the family members or the independent neighbors present at the scene approached the police station immediately. Nevertheless, the alleged incident occurred on the spur of the moment over a trifling matter, establishing a prima facie lack of pre-meditation.

9. The investigation is almost completed. As such, further incarceration of the applicant as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justified. Thus, no fruitful purpose would be served by keeping the applicant behind the bar and can be enlarged on bail by imposing stringent conditions. I am, therefore, persuaded to exercise the discretion in favour of the applicant

10. Moreover, the other accused No. 5 in the crime has been enlarged on regular bail whereas the accused No. 1 has been enlarged on pre-arrest bail by this Court. As such, the present applicants, who are situated on the similar footing as that of the co-accused and are entitled for bail on the ground of parity.

11. Keeping in view the peculiar facts and circumstances of the case, the applicant entitled for bail. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing stringent conditions.
12. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicants – Kalpesh @ Banti Arun Gangatire and Rushikesh @ Rushi Samadhan Gangatire 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 connection with Crime No. 39 of 2026 registered with Bodwad Police Station, Dist. Jalgaon for the offences punishable under Sections 190, 189(2), 110 of 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) Except attending the Court dates, the applicants shall not enter into vicinity of Bodwad and entire Jalgaon city, till conclusion of trial.
- (c) The applicants shall not pressurize the prosecution

witnesses and shall not tamper with the prosecution evidence, in any manner.

(d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.

(e) 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 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