

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 206/2026

(Baban S/o Pandurang Garghate Vs. The State of Maharashtra)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Mr. M. N. Agrawal, Advocate for applicant.
 Mr. V.A. Thakare, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 24/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 110/2025 registered with Police Station Korpana, Dist. Chandrapur for the offence punishable under Sections 103(1), 118(2), 189(1),(2), 190, 191(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023.

3. The story of the prosecution, in short is that, the applicant was having a dispute as regards to farm land with the deceased and his family. That on 11.06.2025 the applicant, along with other co-accused, abused and assaulted the informant, his brother and father by means of fists, blows and wooden log (bailgadich ubhari) on head, hand, legs and shoulder. That the informant, his brother

and father sustained several injuries. That accordingly, the First Information Report ("FIR") was lodged with the non-applicant police station.

4. The learned counsel appearing for the applicant submits that the son of deceased Jagdish Karekar registered the FIR on 11/06/2025 stating that at about 08:30 a.m. all the accused persons went to the field of the informant and they were insisting to give the agricultural field on rent, due to that a scuffle took place and thereafter it got converted into assault. There are total six accused persons. All five accused persons were released on bail. However, only the applicant is not released on bail. The roles played by Arun and Arvind are similar to the present applicant. However, he submits that so far as other witnesses are concerned, they stated that said Arvind and Arun assaulted with fists, kick blows and also with wooden log. Therefore, he submits that considering the fact that all the accused persons except the applicant, are released on bail, the applicant deserves to be released on bail as he is of 70 years of age, having no criminal antecedents. He is in jail since 12/06/2025.

5. On the other hand, the learned APP vehemently opposes the application and submits that so far as the other co-accused are concerned, their roles are different. The present applicant is the main culprit. Initially there was agreement to sell the agricultural field between deceased and present applicant. The agreement to sell was of the year 2009. Thereafter, the applicant has also filed the suit for specific performance of contract. According to him, the applicant is having motive and intention to kill the deceased, therefore he submits that considering the important role played by the applicant, he may not be released on bail.

6. I have considered the rival submissions. I have also seen the order passed by this Court while releasing two accused persons namely Arvind Ramdas Mase and Arun Narayan Navale. I have gone through the FIR and other materials. It appears from the FIR lodged by Jagdish Karekar that the applicant and his family members went to the field of the informant, wherein the applicant was insisting to hand over the possession of the field on rental basis. However, the family of the informant including the deceased was not ready for the same, therefore initially

there was scuffle between both groups. However, at later point of time, it was converted into assault. It appears from the FIR that the present applicant along with Arun and Arvind assaulted with the help of wooden log (Bailgadichi Ubhari). However, in other statements who are also eye witnesses it appears that Arun and Arvind assaulted with fists and kick blows and the main role was attributed to present applicant. It is to be noted that after perusal of statement of Suwarna Karekar, the allegations are made against Mayur and Rajesh along with the present applicant, that they assaulted with the help of a wooden log (bailgadichi ubhari). However, Mayur and Rajesh were also released on bail by this Court. Therefore, there are two sets of statements. In one set of statements, the present applicant along with Arun and Arvind were shown as assailants with the help of a wooden log (bailgadichi ubhari). However, in another set of statements, the present applicant was shown along with Mayur and Rajesh assaulting with the help of wooden log (bailgadichi ubhari). Arun and Arvind as well as Mayur and Rajesh were released on bail. Therefore, considering this fact that all the applicants are released on bail, the present

applicant also deserves to be granted bail by further considering the fact that the applicant is of 70 years of age, investigation is over, charge sheet is filed and the applicant is in jail since 12/06/2025, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Baban S/o Pandurang Garghate be released on regular bail in connection with Crime No. 110/2025 registered with Police Station Korpana, Dist. Chandrapur for the offence punishable under Sections 103(1), 118(2), 189(1),(2), 190, 191(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023 on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

(M. M. NERLIKAR, J.)

Gohane