

MHPA010017202026.



ORDER BELOW EXH. 01 IN CRI.BAIL.APPLICATION NO. 587/2026

Gajanan Rameshrao Patharkar and another V/s. The State.

{ Passed on 09th July, 2026 }

Accused-applicants Gajanan Rameshrao Patharkar and Keshav Rameshrao Patharkar have filed the application under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for releasing them on regular bail in connection with Cr.No.235/2026 registered at Police Station Manwat Tq. Manwat, Dist. Parbhani for offence punishable under Sections 109(1), 115(2), 118(1), 190, 119(1), 190, 191, 333, 352, 351(2), 192(2), 191(3) of Bhartiya Nyaya Sanhita, 2023.

02- The prosecution case, in short, is that informant Krishna Magar on 05.06.2026 lodged report to police station alleging that quarrel was taken place with accused-applicant Gajanan Patharkar, hence, crime and counter crimes were registered at police station Sailu.

03- It has alleged that on 04.05.2026 at about 6.00 pm, the informant was at Dhaba for dinner that time accused-applicant Gajanan Patharkar by making phone call to the informant said that why he given information to police about his tractor. The accused directed to the informant to come. Then the informant went to Gogalgaon pati to meet the accused, that time accused-applicants Gajanan Patharkar, Keshav Patharkar, and other accused Vishnu Patharkar, Bhagwan Jadhav and Gopinath Jadhav met to him. That time accused-applicant Gajanan Patharkar caught hold collar of the

informant. Then Sarpanch Ankrur Magar and other came there and pacified the quarrel.

04- It has alleged that at about 11.00 am all the accused came to his house and started to assault him by fist blows. His brother Navnath was trying to specify the quarrel but the accused-applicant Keshav Patharkar assaulted to Navnath by iron rod on his head. Accused-applicant Gajanan Patharkar assaulted to his another brother Adinath by stick. Due to which hand of Adinath was fractured. Mother of the informant had trying to rescue but accused Usha Patharkar assaulted her by stick. Due to which thumb of right hand of his mother became fractured. It has alleged that Vishnu Patharkar, Bhagwan Jadhav and Gopinath Jadhav have assaulted to informant and his father by stick and threatened to kill them. It has alleged that in order to committed murder, accused assaulted them.

05- On the aforesaid report, the above crime came to be registered against accused persons for the offences mentioned above.

06- It is the contentions of the accused that they have not committed the alleged offence. Their submission is that accused Gajanan Patharkar on 05.06.2026 lodged report bearing Cr.No. 234/2026 to police station against informant and others on which offence under Section 109(1) of BNS came to be registered. Therefore this false report is lodged. Their submission is that due to assault by the informant party Vishnu Patharkar is died on 09.06.2026. Accused Bhagwan Jadhav, Gopinath Jadhav and Usha Patharkar are released on anticipatory bail. They were arrested on 24.06.2026. Nothing is recovered from accused Keshav. It has alleged that stick is seized from accused Gajanan. Now nothing is to

be recovered from them. Hence, their further detention is not required. The injured is discharged from hospital. They are permanent resident of village Gogalgaon, hence they will not abscond. They are ready to furnish surety and abide conditions imposed by the Court. They prayed to release them on regular bail.

07- I have heard Ld. Adv. Mr. M.E. Bhosle of the accused and Ld. APP Mr. Giram for the State.

08- Ld. advocate for accused has argued that injured is discharged from hospital. Due to assault by the informant party Vishnu Patharkar died. Further custody of the accused is not required. Investigation is almost over. The accused are ready to abide any condition imposed by the Court. He submitted to release the accused.

09- Ld. APP Mr. Giram by filing say Exh. 5 has argued that Section 109 of BNS is of serious nature. He admitted that injured Navnath Magar is discharged from the hospital. He argued that investigation is in progress. If the accused are released they will pressurize to the witnesses. He prayed to reject the application.

10- Counter crimes are registered. Injured is discharged from hospital. Accused reside within jurisdiction of this Court. Hence their presence will be secured. For security of the witnesses conditions can be imposed. So nothing is to be recovered from the accused. Hence, their further custody is not required for investigation. It reveals that this is not a fit case to keep the accused behind bars till filing of charge-sheet or till conclusion of trial. Hence, I pass the following order.

Order

1	The application is allowed.
2	Accused-applicant Gajanan Rameshrao Patharkar and Keshav Rameshrao Patharkar be released on bail on his executing P.R.bond of Rs.25,000/- each with surety in the like amount in Cr.No.235/2026 registered at Police Station Manwat Tq. Manwat, Dist. Parbhani for offence punishable under Sections 109(1), 115(2), 118(1), 190, 119(1), 190, 191, 333, 352, 351(2), 192(2), 191(3) of Bhartiya Nyaya Sanhita, 2023, on following conditions.
3	The accused-applicants shall not hamper or tamper with the prosecution evidence and shall not pressurize to the informant and witnesses.
4	The accused-applicants shall attend the concerned police station within 10:00 am to 01:00 pm on every Sunday for one month if called by I.O.
5	The accused-applicants shall not commit such type of offence in future.
6	The accused-applicants shall attend the trial after filing of charge-sheet regularly on every date without reasonable excuse.
7	The accused-applicants shall furnish their residential address at the time of execution of bond and shall not change their residence without prior permission of the Court.
8	Soft copy of this Order be sent to the accused-applicants through concerned Jail Superintendent.
9	Inform to concern police station accordingly.
10	Bail before remand Court.

Date: 09.07.2026.

(Gautam G. Bharne)
Additional Sessions Judge, Parbhani.