

MHPA010018662026.



ORDER BELOW EXHIBIT NO. 01 IN
CRIMINAL BAIL APPLICATION NO. 634/2026

Ganesh Rama Warkad Vs. State

[Passed on 03st August, 2026]

Accused – applicant Ganesh Rama Warkad has filed this bail application under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Cr.No.122/2026 registered at Police Station Chudawa, tq. Purna, Dist. Parbhani for offences punishable under Section 109, 118(1), 118(2), 296 r.w. Sec. 3(5) of Bhartiya Nyaya Sanhita, 2023.

02. The prosecution case, in short, is that informant Shankar Warkad on 06.05.2026 in Aadhar Hospital made statement before police that he has agricultural land in Mithapur village. His nephew resides with him since childhood. Accused Govind is his neighbour agriculturist. There was dispute between the accused and the informant regarding common Bandh. Hence, informant had lodged report to police station to that regard. It has alleged that on 02.05.2026 the informant, his nephew Chandu Kanode and Devraj Warkad were returning back to home by motorcycle. However, at about 07.30 p.m. accused Govind, accused Rama and applicant-accused Ganesh restrained the informant. They abused to the informant in filthy language. Informant told them not to abuse. However, accused-applicant Ganesh Warkad with intent to kill the informant assaulted him by Koyta on his head. Accused Govind Warkad assaulted the informant by iron rod due to which his hand

was fractured. His nephew (भाचा) Chandu Kanode had tried to rescue the informant, however accused-applicant Ganesh Warkad assaulted him by an axe, due to which hand of Chandu sustained fracture injury. After that, the informant and others were brought to rural hospital, Purna. After that they were referred to Nanded.

03. On the aforesaid report the crime came to be registered against the accused-applicant and others for the offences mentioned above.

04. It is the contention of the accused that he has not committed the alleged crime. False allegations are made against him. There is four days delay in lodging the FIR. Father of the applicant-accused had lodged report against the complainant on which NC crime No.26/2026 came to be registered on 10.04.2026. Nothing is to be seized from this accused. Section 109 does not attract against him. Accused Govind Ramrao Warkad and Rama Munjaji Warkad are released on bail. If the accused is not released his family would be put to hardship and starvation. He is ready to co-operate for investigation. He will not abscond. He prayed to release him on regular bail.

05. Ld. APP in his say Exh. 5 has submitted that the offences are of serious nature. The accused-applicant has assaulted by Koyata on the head of the informant and on right hand of Devraj. The grievous injury is caused. Cr.No. 68/2025 for the offence punishable under Section 324(4) , 351(3) of BNS was registered at Police Station Chudawa against the applicant-accused. Iron rod, Koyta and axe

came to be seized. The accused and informant are resident of same village. If the accused is released he will pressurize to the witnesses or will commit offence in future. He prayed to reject the application.

06. Ld. Adv. Mr. Wankhede on behalf of the accused has argued that in order to counter blast the FIR the false report is lodged by the informant. Accused Govind Warkad and Rama Warkad are released on bail. No injury certificate is filed on record. Section 109 of BNS does not attract. Four days delay in lodging the FIR creates material doubt. The accused has no criminal history. Further custody of the accused is not required. The accused resides within the jurisdiction of the Court hence, his presence will be secured during the trial. He argued as per grounds of bail application and submitted to release the accused. On the other hand, Ld. APP Mr. Giram has argued that the accused-applicant has assaulted by Koyata on the head of the informant and on right hand of Devraj. Investigation is in progress. He argued that the offence are of serious nature, punishable for life imprisonment. If the accused is released he will pressurize to the witnesses. He submitted to reject the application.

07. In the case in hand counter FIR bearing No.123/2026 is lodged by applicant-accused Ganesh Warkad against informant Shankar Warkad, Chandu Kanode and Devraj Warkad on which crime under Section 118(1), 115(2), 352, 351(3) r.w. Sec. 3(5) of BNS came to be registered. Dispute regarding agricultural land was going on between the informant's party and the accused. The accused is arrested on 06.05.2026. Now nothing is to be recovered from him. Hence his further detention is not required for investigation. The

accused resides within jurisdiction of the Court. Hence his presence will be secured during trial. For security of the witnesses conditions can be imposed. Injured are discharged from the hospital. In view of the aforesaid facts it would not be just to keep the accused behind bars till filing of charge-sheet or till conclusion of the Trial. Bail is rule and jail is exception. In the result, I pass the following order.

Order

1	The application is allowed.
2	Accused-applicant Ganesh Rama Warkad be released on bail on his executing PR.bond of Rs.25,000/- with surety in the like amount in connection with Cr.No.122/2026 registered at Police Station Chudawa, tq. Purna, Dist. Parbhani for offences punishable under Section 109, 118(1), 118(2), 296 r.w. Sec. 3(5) of Bhartiya Nyaya Sanhita, 2023, on following conditions.
3	The accused-applicant shall not hamper or tamper with the prosecution evidence and shall not pressurize to the witnesses.
4	The accused-applicant shall attend the concerned police station during 10.00 a.m. to 01.00 p.m. on every Sunday for one month if called by I.O.
5	The accused-applicant shall not commit such type of offence in future.
6	The accused-applicant shall attend the trial after filing of charge-sheet regularly on every date without reasonable excuse.
7	The accused-applicant shall furnish his residential address at the time of execution of bond and shall not change his residence without prior permission of the Court.
8	Soft copy of this Order be sent to the accused-applicant through concerned Jail Superintendent.

9	Inform to concern police station accordingly.
10	Bail before remand Court.

Date: 03.08.2026.

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