

**IN THE COURT OF ADDL.SESIONS JUDGE AT PAITHAN,  
DISTRICT AURANGABAD**

MHAU170001672026



**Cri.Bail Application No. 37 of 2026  
Diesel s/o Pandurang Kale Vs. The  
State of Maharashtra.  
Crime No. 513 of 2025, Offence  
U/sec. 109, 79, 189(2),190,191(2),  
191(3),351(2) of BNS. Bidkin Police  
Station.**

**ORDER BELOW EXHIBIT 01**

1. This is **second** application U/sec. 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'BNSS') for grant of regular bail by applicant Diesel s/o Pandurang Kale.
2. The Investigating Officer has opposed the application by filing his reply vide Exh. 04. He has objected the application on the ground that the applicant and informant resides in same vicinity and therefore, there is possibility of commission of similar crime. It is his further submission that there is possibility of tampering with prosecution witnesses, if the applicant is released on bail.
3. Heard the learned counsel for the applicant and learned APP for the State. Perused the application, reply and copy of charge-sheet produced on record. This being the second application of applicant, he is required to show that there is change in circumstance entitling him to bail. In this regard, it is the submission of learned counsel for the applicant that since the Investigating Officer has filed charge-sheet, there is change in circumstance entitling applicant to bail. I am not convinced with this submission simply for the reason that filing of charge sheet does not in any manner lessen the offence, on the contrary, filing of the charge sheet

establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons.

4. It is well settled that while considering the grant or refusal of bail, the gravity of offence and severity of punishment needs to be looked into. Out of the alleged offences, offence under Section 109 of BNS (corresponding to Section 307 of IPC) is triable by Sessions Court and is punishable with imprisonment for life, if hurt is caused. It is also well settled that in such cases intention of the assailants are important rather than injury. On perusal of the contents of FIR, I find that there is allegation against applicant that he assaulted with iron rod to the informant, Swati (daughter-in-law of informant) and Sukhdeo Bhosale. The injury certificate dated 26.08.2025 issued by Rural Hospital, Bidkin of Sukhdeo shows that he suffered grievous injury over occipital region. The use of iron rod in assaulting Sukhdeo Bhosale and the location of injury *prima facie* indicates that the applicant intended to cause death of Sukhdeo Bhosale.

5. Considering the gravity of offence and severity of punishment and also the possibility of tampering with prosecution witnesses, I am not inclined to grant bail to the present applicant. I, therefore, proceed to pass following order :-

**ORDER**

Application is rejected.

Date: 12.03.2026

(R.D.Gadwe)  
Additional Sessions Judge,  
Paithan