



The State
Vs.
Balaji Hiralal Gadhe

ORDER BELOW EXH.83

Perused the application and say filed by learned APP. Heard learned advocate Shri. D. A. Khandagale for the accused No.4 and learned APP Shri. B. M. Maher. Perused record of the case.

2. This application is filed for enlargement on bail in Cr.No.98/2024 registered at Paithan police station for offences punishable under section 307, 504, 506 read with 34 of I.P.C. and section 4 read with 25 of Arms Act.

3. It is submitted in the application that, the informant Laxman Gangadhar Gade lodged first information report on 18.3.2024 alleging that he has ancestral agricultural property. There is long standing dispute for land between the informant and the accused. The agricultural land bearing Block No.11 situated at village Wadwali for partition between two brothers namely Hiralal and Bhimrao. There is long standing dispute about that land between the informant and his brother Hiralal due to proceedings filed before District Collector, Chhatrapati Sambhajinagar. He passed order to maintain status-quo. On 18.3.2024 at 10.30 a.m. the informant heard sound of tractor and he immediately went there. He saw that the accused No.1 to 4 were ploughing the land with tractor. He objected them in view of order passed by the collector. At that time the accused

No.1 got angry and abused him. He threatened to cause his death and assaulted him with sickle on his head. Then the accused No.1 to 4 also assaulted son of the informant when he intervened by stick and fist, leg blow. They also threatened with dire consequences. The tractor driver Janardhan Makode also tried to intervene. The informant and his son sustained bleeding injury. The accused ran away from there. Then brother of informant came to the spot and took them to hospital. They were referred to Government Hospital at Chhatrapati Sambhajnagar for further treatment. Thereafter they were admitted in private hospital and F.I.R. was registered.

4. The accused No.4 was arrested on 20.4.2024. Since then he is in custody. The bail applications of accused No.1 and 2 were rejected and the bail application of accused No.3 was allowed. After completion of investigation charge-sheet is filed and supplementary charge-sheet is filed against the accused No.4. As per injury certificate the nature of injuries are of simple nature. There is variance in statement of the informant before Magistrate and injury certificate produced on record. There are vague and general allegations against accused No.4. There is no possibility of tampering the evidence of prosecution and absconding of the accused. He is in jail since long. There is no sufficient material on record to show his involvement, hence he prayed for enlargement on bail.

5. Learned APP objected the application by contending that the accused committed serious offence. There is prima-facie sufficient evidence against the accused. There is possibility of tampering the evidence of prosecution if the accused is released on bail. Hence, he

prayed to reject the application.

6. Considering submissions of both parties and on perusing record of the case it reveals that, the accused No.4 was arrested on 26.4.2025. Hence, his date of arrest mentioned in the application is not correct. Further supplementary charge-sheet was filed on 20.5.2025. Yet the charge is not framed against the accused No.4. There are specific allegation against the accused No.4 in FIR that he assaulted with stick to the informant and his son. Considering serious nature of offence it is held that there is possibility of tampering the evidence of prosecution and absconding of the accused, if he is released on bail. Hence, he is not entitled for releasing on bail and I pass following order.

ORDER

The application is rejected.

Date: 25.05.2026

(Smt.R.D.Khedekar)
I/C Additional Sessions Judge,
Paithan.

(4)

CERTIFICATE

I affirm that the contents of this P.D.F.
file are same, word to word, as per the original Order.

Name of the Stenographer : Sau. S.G.Pimple,
Court : (Smt.R.D.Khedekar)
Additional Sessions Judge-10,
Aurangabad.

Date : 25.05.2026
Order signed by the presiding
officer on : 25.05.2026
Order uploaded on : 25.05.2026