

MHAU010006762026



State of Maharashtra Vs. Dnyaneshwar Kashinath Nimone

ORDER BELOW EXH. 27
IN
Sessions Case No./38/2026

Accused No. 3 has filed the present application seeking bail under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (B.N.S.S.).

2. The prosecution case, in brief, is that there was a rivalry between the informant, Ramesh, and the accused over the grocery business. Ramesh purchased a CIDCO plot located in front of his house, which the accused also intended to purchase. Consequently, the accused nurtured a grudge against Ramesh and his family members and frequently harassed them by picking quarrels on various pretexts. Ramesh and his family members lodged several complaints against the accused at the CIDCO Police Station, but the accused did not mend their ways. They stored drums on Ramesh's plot. Despite repeated requests by Ramesh and his son Pramod to remove the drums, the accused paid no heed, which led to an altercation between the accused and Pramod. The accused encroached upon the plot by erecting a shed that straddled half of it. Ramesh filed several complaints against them with the CIDCO administration, prompting CIDCO and the municipal authorities to remove the

encroachment. At that time, the accused threatened Ramesh and his family members while brandishing sticks and clubs. They also assaulted Ramesh's grandson and verbally abused his daughter-in-law. About eight to ten days before the incident, Ramesh lodged a complaint against the accused at the Commissioner of Police's office. The accused thereafter hatched a conspiracy to eliminate Ramesh and his family members.

3. On 22.08.2025, at about 12:45 p.m., the accused, in furtherance of their common intention and pursuant to a criminal conspiracy, assaulted Ramesh and his family members. Accused No. 5 handed over a knife to Accused No. 2, who repeatedly stabbed Ramesh in the back. Accused No. 1 struck Pramod on the head and back with a wooden stick. When Ramesh attempted to escape from the clutches of the accused, Accused No. 1, Accused No. 4, and Accused No. 9 exhorted Accused No. 2 to kill him. Thereupon, Accused No. 2 stabbed Ramesh in the waist. As Ramesh fell to the ground, his grandson Rudraksh came forward to help him, but Accused No. 2 stabbed Rudraksh in the chest and arm. Accused No. 5 assaulted Ramesh's wife Mandabai by grabbing her hair. Accused No. 5 along with Accused No. 9 pelted stones at Ramesh's daughter-in-law Roshni.

4. Ramesh's relatives, with the help of residents, carried the injured to MGM Hospital, Aurangabad, for medical treatment. Pramod succumbed to the injuries.

5. Based on the FIR lodged by Ramesh, Crime No. 486/2025 came to be registered against the accused at CIDCO Police Station for the offences punishable under Sections 103(1), 109(1), 189(4), 190, 115(2), 352 and 49 of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.), and Sections 4 and 25 of the Arms Act.

6. The Investigating Officer recovered the knife at the instance of Accused No. 2 and the stick at the instance of Accused No. 1, as well as blood-stained clothes and other incriminating articles. He collected CCTV footage of the incident and recorded the statements of the concerned witnesses. Upon completion of the investigation, he filed a charge-sheet against the accused for the offences punishable under Sections 103(1), 109(1), 189(4), 190, 115(2), 352, 49 and 61(2) of the B.N.S., and under Sections 4 and 25 of the Arms Act, 1959.

7. The learned Advocate for Accused No. 3 pointed out the discrepancy in the statements of the informant Ramesh. He submitted that the role played by Accused No. 3 in the alleged incident was lesser. Accused No. 3 has no criminal antecedents. The investigation of the alleged crime is over, and therefore, there is no possibility of his tampering with the prosecution evidence. The learned Advocate for Accused No. 3 further submitted that Accused No. 4, Accused No. 5, Accused No. 6, Accused No. 8, and Accused No. 9 have been released on bail,

and therefore, Accused No. 3 is entitled to be released on bail on the ground of parity.

8. The learned Special Public Prosecutor fervently submitted that the accused had enmity with the family of the informant Ramesh and had a strong motive to assault him and his family members. The evidence collected during the investigation is sufficient to establish his complicity in the crime. The offence committed by the accused is of a very serious nature. Accused No. 3 resides in the same locality where the informant Ramesh and his family members reside. Considering the previous enmity between the families of the accused and Ramesh, if Accused No. 3 is released on bail, the possibility of his causing physical harm to the informant Ramesh and his family members cannot be ruled out. Considering the gravity of the offence, Accused No. 3 is not entitled to be released on bail. Accordingly, the learned Special Public Prosecutor prayed for the rejection of the bail application.

9. It is well-established that while deciding the bail application, the Court is not expected to undertake a detailed examination of evidence. The grant or refusal to grant bail lies within the discretion of the court.

10. It appears that the Investigating Officer recovered the knife at the instance of Accused No. 2 and the stick at the instance of Accused No. 1, as well as blood-stained clothes and

other incriminating articles. He collected CCTV footage of the incident. The prosecution case rests on both direct and circumstantial evidence. The investigation of the crime has been completed, and the Investigating Officer has filed a charge-sheet against the accused, which *prima facie* reveals their complicity in the alleged crime.

11. There is indeed a discrepancy in the FIR and the supplementary statement of Ramesh, but at this stage, it is not necessary to delve into it. There is sufficient evidence on record which *prima facie* reveals the active participation of Accused No. 3 in the alleged crime.

12. The evidence collected by the Investigating Officer during the investigation *prima facie* shows that there was enmity between the family of the informant Ramesh and the accused. From the record, there are reasons to *prima facie* believe that the accused had a strong motive to assault the informant Ramesh and his family members and, in furtherance of their common intention and pursuant to a criminal conspiracy, they assaulted Ramesh and his family members and committed the murder of his son Pramod by causing multiple stab injuries. I am, therefore, of the *prima facie* view that Accused No. 3 Saurav, who shared the common intention to assault Ramesh and his family members and actively participated in the alleged assault resulting in the murder of Pramod, is equally guilty of committing the murder of Pramod and of causing grievous injuries to Ramesh and Rudraksh. As

such, he cannot be released on bail on the ground of parity. In this context, reference can be conveniently made to the decision in ***Kumer Singh v. The State of Rajasthan***,¹ wherein the Hon'ble Supreme Court held that while deciding a bail application, the individual role of the accused is not required to be considered when they are alleged to have shared a common intention.

13. The record shows that there was enmity between the accused and the informant Ramesh. The accused murdered Pramod over a trivial matter. I find substance in the apprehension of the learned Special Public Prosecutor that the possibility of Accused No. 3, if released on bail, threatening the prosecution witnesses to prevent them from deposing against him, cannot be safely ruled out.

14. In ***Zeba Khan v. State of U.P.***,² the Hon'ble Supreme Court directed that every petitioner or applicant seeking bail, at any stage of proceedings, is under an obligation to disclose all material particulars, including criminal antecedents and the existence of any coercive processes such as issuance of non-bailable warrants, declaration as a proclaimed offender, or similar proceedings, duly supported by an affidavit, so as to promote uniformity, transparency and integrity in bail adjudication.

15. In the case at hand, Accused No. 3 has not filed an affidavit in support of the bail application, even though he was

¹ 2021 CRL.L.J. 4244: AIR ONLINE 2021 SC 398

² 2026 INSC 144

directed to do so. On this ground also, the application is liable to be rejected.

16. A charge has already been framed against the accused, and the evidence will soon be recorded in the present matter. At this crucial stage, if Accused No. 3 is enlarged on bail, the possibility of his threatening the prosecution witnesses to prevent them from deposing against him cannot be safely ruled out.

17. For the reasons enumerated in the foregoing paragraphs, and considering the gravity of the offence, I am of the view that Accused No. 3 Saurav is not entitled to the concession of bail. Consequently, I hold that the application is liable to be rejected. Accordingly, I proceed to pass the following order.

ORDER

The application Exh. 27 is rejected.

Sd/-

Date: 28.07.2026

R.S. Pavaskar
Additional Sessions Judge,
Aurangabad

CERTIFICATE

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

Name of the Stenographer
Court

: Manoj S. Nangre
: District Judge-3 &
Addl. Sessions Judge, A.Bad

Date

: 28.07.2026

Order signed by the presiding officer on

: 28.07.2026

Order uploaded on

: 28.07.2026