

MHBI010015502026

**Cri.Bail Appln.No.449/2026****Ashok Ramdas Mahajan & Ors.
Vs.
STATE OF MAHARASHATRA****ORDER BELOW EXH.1**

01] This is an application filed for regular bail under the provisions of Section 483 of B.N.S.S., in connection with Crime No.128/2026 registered by Ambhora Police station, Dist. Beed for the offences punishable under Section 109, 119(1), 118(2), 118(1), 352, 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (In short 'B.N.S.').

02] Prosecution's case in brief, is as under ;

Informant Vaibhav Dilip Shelake lodged F.I.R. on 04.05.2026 alleging that, on 03.05.2026 at about 4.00 p.m. his father Dilip Shelake went to the agricultural land of his maternal uncle Navnath Ghodke with a tractor for ploughing at about 7.26 p.m. he received phone call a lady was talking on the phone. She informed that, his father and money lender (Navnath Ghodke) were brutally assaulted. Navnath Ghodke was unconscious and there was bleeding from the eye of informant's father. Then, the informant and one Ankit Ithape proceeded towards the house of that lady. In the meantime the informant told about it to Rahul Shelake who also proceeded to the house of the said lady. When all of them were reached there. Informant's father told him that, when he and Navnath were ploughing

the agricultural land known as 'Lavande' at about 6.45 p.m. to 7.00 p.m. all the applicants came there with co-accused Ashok Mahajan. They were holding weapons. Ashok Mahajan was having an axe with wooden handle and they started quarrel saying that, their girl is abducted since last one year and assaulted informant's father and Navnath Ghodke. They took away mobile phone and cash amount of Rs.10,400/- from the pocket of informant's father. They also damaged the tractor. Thereafter, informant and Ankit took informant's father to the hospital. Then, the informant and his aunt Surekha Ghodke went to the spot to search Navnath Ghodke. They took him to Jeevan Hospital at Dhanora. After initial treatment they were referred to Sai-Deep Hospital at Ahilyanagar. Hence, the F.I.R.

03] Applicants have claimed bail on the grounds that, they are innocent and have not committed any offence as alleged. The incidence shown in the F.I.R. is imaginary. There is delay in filing F.I.R. which shows that, afterthought allegations are made. Injured Navnath Ghodke is leading money lender and has transactions with many persons. According to informant, after the alleged incident, his father Dilip drove the tractor 2 to 3 Kms. and came at village Dhanora which is not practically possible. Son of injured Navnath Ghodke kidnapped daughter of applicant No.2 Santosh on 03.07.2025 about it Crime No.253/2025 is registered in Ambhora police station. The applicants were arrested on 05.05.2026 and have been sufficiently interrogated by the police. Investigation is practically complete. In spite of several requests made by applicant Santosh police joined hands with the

informant asking him to file false F.I.R. against the applicants. The injured are out of danger. Applicants No.1 and 2 are earning members of the family. Applicant No.3 is son of applicant No.2. He is ready to abide the conditions that may be imposed. On these grounds, they have prayed to grant bail.

04] Prosecution has resisted the application by filing say at Exh.06. It is the say of the prosecution that, there is strong prima facie case made out against the applicants. There is active participation of the applicants in commission of crime. If the applicants will be released on bail, then it is likely that, they will pressurize the informant and prosecution witnesses, interfere in the the investigation and tamper the prosecution's evidence. On these grounds, prosecution has prayed to reject the bail application.

05] Informant has resisted the application by filing say at Exh.14. He has re-produced the contents of F.I.R. in his say and has further stated that, all the applicants have severally assaulted informant's father and maternal uncle on the cause of previous enmity which occurred as the son of Navnath Ghodke eloped with daughter of applicant No.2. In the said assault informant's father has sustained multiple fractures of facial bones and has lost his right eye. Navnath Ghodke sustained serious brain injury which has resulted in loss of memory. According to informant, had the injured not received medical treatment in time they would have died. Navnath Ghodke though was discharged earlier is again admitted in the hospital and is till date under

treatment as indoor patient. Considering the gravity and seriousness of the offence the application be rejected.

06] Heard learned advocate for the applicants/accused, learned A.P.P. for the State and learned advocate for the informant. They argued as per application and say as referred above. To avoid repetition, I find it would be just and proper not to reproduce the arguments of both the sides.

07] Considering rival submissions of both sides, I find that, previous enmity though is raised as shield by the applicants, it cannot be ignored that, it can be sword i.e. motive to assault the injured. Though, it was vehemently argued by the applicants advocate that, the applicants are sufferers on account of the above mentioned enmity it is pertinent to note that, law does not permit any person to act in furtherance of private vengeance. It is evident from the medical papers produced on record that, informant's father has sustained displaced fractures of walls of right maxillary sinus, walls of right orbit, walls of frontal sinus on right side, roof of ethmoid and right zygomatic arch. There is blood collection in the right orbital blow below right eye. Navnath Ghodke has sustained head injury which has caused acute subdural hematoma in the left fronto parietal and temporal convexity region it measures of max. width 11 mm. There is middle shift to the right side for a distance of 8.5 mm from midline. Considering the nature of injuries sustained in the assault by the injured, the brutality of attack can be gathered. Though, it was argued by applicants advocate that,

being money lender in the area Navnath Ghodke had enmity with many persons, so there is possibility that, he might have been attacked by other persons. So far as this argument is concerned, I find that, it cannot be ignored that, informant's father disclosed the names of applicants as their attackers. The statement of Dilip Shelake is recorded by police. According to the informant, Navnath Ghodke is re-admitted in the hospital.

08] During argument applicants advocate relied upon ratio laid down in case of **Shaikh Saqlain Shaikh Mobin Vs. The State of Maharashtra, DLD (Cri.)-2022-711** and **Mr. Darshan Bhisaji Vs. State of Goa, DLD (Cri.)-2025-3887**. In these cases Hon'ble Lordship held that, bail may be granted even in serious offences like 307 of I.P.C. when investigation is complete, key witnesses have been examined and likelihood of witness tampering is minimum. On going through both the cases, I find that, in the first case of *Shaikh Saqlain* the injured was attacked with iron rod on his leg. Whereas, in second case of *Darshan* charge-sheet was filed. In such situation, I find that, in case in hand the investigation is in progress, the possibility that, the applicants may interfere in the investigation and pressurizing the witnesses cannot be ruled out. In such situation, I find that, the applicants are not entitled to get bail and pass following order.

ORDER

01. Application is rejected.

02. Inform the accused through Superintendent of Jail Authority, Beed by sending soft copy of this order.
03. Inform to the concerned police station accordingly.

(Order dictated and pronounced in open Court.)

Date : 08/06/2026

**(S.R.Shinde)
Additional Sessions Judge
Beed**

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original judgment/order.

Dictated on : 08/06/2026

Transcribed on : -----

Checked & signed on : 08/06/2026

(A. R. Patil)
Stenographer Grade-2
Additional Sessions Court,Beed.