

ABA No. 214/2026

1. Omkesh S/o Patloba Phad
2. Ganesh S/o Balaji Phad
3. Ramesh S/o Bhimrao Phad
4. Akshay S/o Patloba Phad

Vs.**State of Maharashtra****ORDER BELOW EXH.01.****(A) CASE DETAILS**

1	FIR number and date	232/2026, dt. 24.05.2026
2	Police station, District and State	Parli rural, Beed, Maharashtra
3	Sections invoked	109(1), 118(1), 118(2), 352, 351(3), 189(2), 190, 191(2) & 191(3) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 4 and 25 of the Arms Act
4	Maximum punishment prescribed	10 years or life imprisonment.

(B) CUSTODY AND PROCEDURAL COMPLIANCE

1	Date of arrest	No.
2	Total period of custody undergone	No.

(C) STATUS OF TRIAL

1	Stage of proceedings (Investigation / Charge-sheet / Cognizance / Framing of Charges / Trial)	Investigation
2	Total number of witnesses cited in the charge-sheet	Charge-sheet is not filed.
3	Number of prosecution witnesses examined	No.

(D) CRIMINAL ANTECEDENTS

1	FIR and Police Station	No.
2	Sections	No.
3	Status (Pending / Acquitted / Convicted)	No.

(E) PREVIOUS BAIL APPLICATIONS

1	Court	No.
2	Case No.	No.
3	Outcome of case	No.

(F) COERCIVE PROCESSES

1	Whether any Non-Bailable Warrant was issued	No.
2	Whether declared a proclaimed offender	No.

1. The present application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in the event of arrest in connection with Crime No. 232 of 2026 registered with Police Station Parali Rural, District Beed, for the offences punishable under Sections 109(1), 118(1), 118(2), 352, 351(3), 189(2), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 along with Sections 4 and 25 of the Arms Act.

2. The prosecution case, as reflected from the First Information Report lodged by informant Sandeep Manchakrao Phad on 24.05.2026, is that on 22.05.2026 between 06.00 p.m. and 06.30 p.m., the informant along with Tushar Phad and Krishna Chate had gone to Dharmapuri village for purchasing grocery items and while returning, they noticed the present applicants along with one Sahil Govind Phad standing near Jijamata School. It is alleged that they were armed with iron rods, swords and wooden sticks. According to the informant, applicant No.1 Omkesh Phad started abusing Tushar Phad over political rivalry and when the informant intervened, he assaulted the informant on the head with a sword with an intention to kill. It is further alleged that the co-accused and other applicants joined in the assault and caused injuries with sticks and also issued threats.

3. Learned counsel for the applicants submitted that the applicants are innocent and have been falsely implicated due to political rivalry arising out of the Gram Panchayat elections. It is submitted that the allegations in the FIR are exaggerated. It is further pointed out that a cross-case bearing Crime No. 231 of 2026 has been registered against the informant side in respect of the same incident, which shows that the occurrence was a group clash. It is also brought to the notice of the Court that the Investigating Officer has already submitted a report before the learned Magistrate stating that upon verification of CCTV footage and medical opinion, the offence under Section 109 of the BNS and provisions of the Arms Act have been

deleted. It is submitted that the injuries are not consistent with the use of any sharp weapon and the necessary recoveries have already been effected. Therefore, according to the learned counsel, custodial interrogation is not necessary.

4. The investigating officer and learned Additional Public Prosecutor, with the assistance of the learned counsel for the informant, opposed the application by filing affidavit of informant. It is submitted that the informant sustained a fracture injury and head injury which show the seriousness of the assault. It is further submitted that the applicants acted in furtherance of a common object. The prosecution expressed apprehension that the applicants are influential persons in the village and there is every likelihood of tampering with the evidence and pressurizing witnesses. It is also submitted that custodial interrogation is required.

5. During the course of hearing, it has been brought to the notice of both side the letter send by informant for giving opportunity to explain it. In the said letter, the informant has addressed a representation to the learned Principal District Judge and the Superintendent of Police raising grievances regarding the investigation and a copy of the same has also been forwarded to this Court. In the said communication, it is alleged that the accused persons are stating in the village that they have managed the Court. When the matter was taken up, the learned advocate assisting the prosecution stated that he was not aware about such communication. The learned Additional Public Prosecutor and the learned advocate appearing for the informant and accused fairly submitted before this Court that sending such communications containing such allegations is not proper and such practice deserves to be deprecated. Members of the Bar present in the Court also expressed that such conduct is not conducive to proper administration of justice.

6. This Court is of the view that making allegations which indirectly cast aspersions on the independence or impartiality of the Court, without any supporting material, is wholly improper. Such statements have the tendency to undermine the dignity of the judicial institution and create an impression which is not permissible in law. Such conduct prima facie appears to be an attempt to create pressure upon the Court and interfere with the due course of judicial proceedings. The same is strongly deprecated. However, this Court refrains from making any further observations in that regard in the present proceedings and proceeds to decide the application strictly on its own merits.

7. I have carefully perused the FIR, the case diary, medical papers and the report submitted by the Investigating Officer. The report placed on record shows that upon examining the CCTV footage, it is found that none of the accused persons are seen using any sword and that only sticks and rods are visible. The medical opinion further clarifies that the injury to the head is caused by a hard and blunt object and not by any sharp weapon. It is also opined that the injuries are not sufficient in the ordinary course of nature to cause death. On the basis of such material, the offence under Section 109 of the BNS and the provisions of the Arms Act have been deleted by the Investigating Officer.

8. In the given circumstances, the allegation that applicant No.1 assaulted the informant with a sword with an intention to kill stands materially weakened. The injuries suffered by the informant consist of one grievous injury in the nature of fracture and one simple injury. The role attributed to applicant Nos. 2 to 4 is general in nature. The existence of a cross-case indicates that the incident has taken place between two rival groups.

9. The law relating to anticipatory bail is well settled. The

Court is required to consider the nature and gravity of the accusation, the role attributed to the accused, and whether custodial interrogation is necessary. Custodial interrogation cannot be directed as a matter of course and must be shown to be indispensable for effective investigation. In the present case, the material shows that CCTV footage has been seized, weapons have already been recovered and the medical evidence is available on record. The prosecution has not demonstrated that further custodial interrogation of the applicants is necessary for any specific purpose.

10. The apprehension expressed by the prosecution regarding tampering with the evidence can be taken care of by imposing appropriate conditions. There is no material placed on record to show that the applicants are likely to abscond or evade the process of law.

11. Taking into consideration the overall material on record, particularly the contradiction between the FIR allegations and the objective evidence, the deletion of the offence under Section 109 of the BNS, the existence of cross-case and the fact that the necessary material has substantially been collected, this Court is satisfied that the applicants have made out a case for grant of anticipatory bail. In the result, the following order is passed:

ORDER

- (1) The application is allowed.
- (2) In the event of arrest of the applicants, namely Omkesh S/o Patloba Phad, Ganesh S/o Balaji Phad, Ramesh S/o Bhimrao Phad and Akshay S/o Patloba Phad in connection with Crime No. 232 of 2026 registered with Police Station Parali Rural, they shall be released on bail on their executing P.R. bond of Rs. 25,000/- each with one solvent surety each in the like amount.
- (3) The applicants shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate with the investigation.

- (4) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness.
- (5) The applicants shall not tamper with the prosecution evidence.
- (6) The applicants shall not visit the residence of the informant till completion of investigation.
- (7) The applicants shall make available their mobile phones for inspection as and when required by the Investigating Officer.
- (8) Violation of any of these conditions shall entail cancellation of bail in accordance with law.
- (9) The application stands disposed of accordingly.
- (10) Inform concerned police station accordingly.

Place : Ambajogai

Date : 16.06.2026

(Dr.Rachna R. Tehra)

Additional Sessions Judge,
Ambajogai.

CERTIFICATE

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

Dictated on : 16.06.2026

Transcribed on : 16.06.2026

Checked & Signed on : 16.06.2026

Date : 16.06.2026

A.S.PANHALE
STENOGRAPHER GR-1