

ORDER BELOW EXH.80 IN SESSION CASE**No. 189/2024****CNR No.: MHBI01004049-2024**

1. **Rahul Goukul Yadav**
2. **Krushna Gokul Yadav**

**V/s.
The State & other.**

1. By this application applicants/accused Nos.3 and 4 seeks their enlargement on bail under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 258/2024 registered with Talwada police station for the offences punishable U/s. Sections 109, 118(2), 118(1), 189(2), 191(2), 191(3), 190, 115, 352, 351(2), 351(3) of Bhartiya Nyaya Sanhita, 2023 (in short "B.N.S.") and Section 135 of the Maharashtra Police Act (in short "M.P. Act.").

2. I have gone through the grounds mentioned in the application and the reply filed by the learned P P vide Exh.85. Injured Janabai and Bhagwan filed affidavits vide Exh.87 and 88 to resist the bail application.

3. Prosecution case is that on 02.08.2024 around 8.30 a.m., the informant alongwith his parents were weeding the crop

of Cotton in their field gut no.215 in Gangawadi Shivar, Tq.Georai, Dist-Beed. Adjacent farmer/accused no.3 Rahul Yadav was carving the common Bandh between the field and therefore, rain water was flowing in the field of informant. He obstructed accused no.3 while doing so. Thus, applicant No.1 threatened the informant to kill, abused him and his parents and went towards village Gangawadi. Again informant and his parents started weeding the crop.

4. It is alleged that, around 9.45 a.m., both the applicants with other co-accused arrived with stick, axe and sickle and started abusing informant and his parents in filthy language. Accused Narmadabai assaulted Janabai with wooden stick on both the hands and caused fractured injuries. Accused Gokul assaulted mother of informant with wooden log on both the legs, applicant no.2/accused no.4 Krushna gave blow with sickle on the head of mother of informant and caused grievous injury. When informant and his father went to rescue Janabai, applicant no.1 Rahul, co-accused Anil assaulted Bhagwan on both the legs. Accused Anil caught hold the informant and accused no.1 pushed him. Then, both the applicants and accused Anil said “त्याला जिवंत सोडु नका”. Thereafter, they gave blow of wooden log on the head of informant, he sustained grievous injury, collapsed and became unconscious. He regained consciousness on 04.08.2024 and got knowledge that he was admitted in Vishwa Hospital and his mother Janabai was

admitted in Surya Hospital. Hence, report was lodged.

5. The present application is filed on the ground of prolonged incarceration of applicants since 18 months and non commencement on trial. Learned Advocate of applicants submitted that, the contents of spot panchanama nowhere supports the carving of Bandh and letting out rain water from the field of accused into the field of informant. There is unexplained delay of 2 days in lodging FIR. The father of informant did not sustain any injury nor any MLC. is filed on record. Although, he is eye witness of the incident, no explanation is brought on record as to the reason which prevented him to lodge FIR immediately. Counter case bearing Crime No.252/2024 is filed by one of the accused whereas present crime number is 258/2024 and the same is filed after 6 days. The MLC shows simple injury with hard and blunt object and same is contrary to the recital of the FIR that sickle, sharp weapon was used.

6. It is further submitted by learned Advocate of applicants that co-accused have been enlarged on bail and since from the date of their release, they did not tamper the prosecution witnesses. Thus, prayed for grant of the application.

7. As against this, learned P. P. argued that the rejection of earlier bail application vide order below Exh.66 is not mentioned in the application. The said order is not challenged

before the Hon'ble High Court. After rejection of said application, there is no change in the circumstances to enlarge the applicants on bail. Intention of accused persons by coming with deadly weapons be considered. It is further submitted that incident is dated 02.08.2024 and informant Prakash sustained grievous injury on head i.e. vital part of body. He died on 17.12.2025. Post-mortem report is on record. It is further submitted that, pre-meeting of mind of all the accused is seen from the recitals of report. Thus, prayed for rejection of the application.

8. Learned advocate of informant J. L. Pathan argued that roznama of proceeding reveal that co-accused persons enlarged on bail did not remain present before the Court. Therefore, charge is not framed in the present case. Rejection of earlier bail applications are suppressed in the present application. Bail application No.1376/2025 filed before the Hon'ble High court by the applicants is withdrawn. No ground is made out to release them on bail.

9. Record reveal that on 23.09.2024 anticipatory bail application of the applicants is rejected by the Sessions Court. On 20.03.2025 regular bail application of applicants is rejected by Hon'ble High Court in Criminal Bail Application No.18/2025. On 30.06.2025, regular bail application field by the applicants is rejected by my learned predecessor.

10. Vide order dated 23.09.2024 passed in Criminal Bail Application No.914/2024, it is observed by my learned predecessor that the informant (now deceased) was present in the Court on wheel chair. Head injury is clearly visible on the partial region of the informant. He was unable to talk properly due to worst condition. It is further observed that signs of grievous injury were noticed on his body.

11. The recitals of FIR reveal that due to fight took place between the accused persons and informant and others, he alongwith his mother sustained injuries. He sustained life threatening injury on the head i.e. vital part of body. Although, informant died after 1 year 4 months of the incident, post-mortem report specifically indicates that left temporal partial bone of deceased is absent. His mother also sustained fracture injury on the both the hands. Record shows that the matter is posted for charge since 14.07.2025. Till 27.10.2025, the exemption applications were filed by co-accused. On 09.02.2026 the present application is filed. Thus, due to pendency of bail application and filling of personal exemption applications, the charge could not be framed and therefore, prolonged incarceration is not a ground to enlarge the applicants on bail in the background of enmity between both the parties, the brutal assault committed by accused persons and nature of injuries sustained by prosecution witnesses specifically by the informant on his head.

12. As far as delay in lodging FIR is considered, the father of informant is eye witness. However, considering the nature of injuries sustained by his son and wife, his primary concern was certainly to provide medical aid to them and therefore, not filling FIR by him immediately after occurrence of the incident, is not advantageous to the defence. Filling of counter case earlier in point of time by one of the accused is no ground to prima facie disbelieve the recitals of FIR in the present case.

13. In **Khanna Singh Kalyani & anr. V/s. The State of Maharashtra in Criminal Bail Application No. 181 of 2021** dated 06th April 2021 relied upon by learned Advocate of applicants, the informant sustained multiple abrasions on forehead, right elbow, back of neck and anterior wall of chest. Therefore, it is observed that it is difficult to infer that all those injuries could have been caused by sharp weapons attributed to the said applicants. Further, the nature of injuries was simple. In that circumstances, bail was granted by the Hon'ble High Court. In **Mohmmad Khalid Mukhtar Ahmad Shaikh V/s. The State of Maharashtra Criminal Bail Application No.2246 of 2024** dated **07.02.2025**, it is observed that the applicant's prolonged incarceration without trial violates his right to a speedy trial and that the prosecution's evidence is insufficient to deny bail. The importance of the right to a speedy trial and the presumption of innocence of accused is emphasized by the Hon'ble High Court. In that case, it is observed that the first informant has over a

period of six years been complicit in his demeanor and dealings with accused. The alleged Gun recovered from the accused was plastic toy pistol as per the prosecution. Further, charge of the first informant regarding kidnapping pertains to an incident more than one year prior to the filing of the complaint. In that circumstances, bail was granted to the accused.

14. In the case in hand, I have already observed that charge could not be framed due to various exemption applications filed on behalf of accused persons. Further, the informant and his mother suffered grievous injuries in the attack mounted by the applicants and co-accused with the help of dangerous weapons. The informant suffered grievous injury on head i.e. vital part of body and he died after 1 year and 4 months of the incident. Thus, with due respect the cited judgments relied upon by learned Advocate of applicants are not applicable to the present set of facts. For the reasons aforesaid, the applicants are not entitled for their enlargement on bail. Resultantly, I pass following order.

ORDER

Application Exh.80 stands rejected.

Beed
Date : 13/07/2026

(Jayshri R. Pulate)
Additional Sessions Judge-2,
Beed.

" I Affirm that the content of this PDF file are word to word as per original Judgment/Order "

Checked & Signed on :- 13/07/2026

Sd/--
(Smt.P.PAndurkar)
Stenographer Gr-I
Additional District Court-2
Beed.