

**Criminal Bail Application in Session Case No. 48/2024**

Pawan Devidas Tale

Vs.

State of Maharashtra

(CNR NO. MHBU20-000724-2024)

**ORDER BELOW EXH. 41**

**(Passed on this the 11<sup>th</sup> Day of February, 2026)**

**01]** Accused - **Pawan Devidas Tale** has filed bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita for grant of bail.

**02]** It is the case of prosecution that on 19.04.2024 at about 09.30 a.m. at Sawangi Tea point accused Devidas and his two sons were beating to the brother of informant namely Eknath. Accused Pawan and accused Shrikrushna hold his hand, whereas accused Sitaram gave blow of iron rod on the head of Eknath. Brother of informant namely, Hariram intervened to resolve the dispute and that time accused Devidas beat him by means of iron rod. Accused Shrikrushna gave blow of iron fighter on the face of Hariram. Meanwhile, informant also intervened to resolve the dispute. Accused Devidas told him to give 4 Gunthe excess land. He gave blow of iron rod on his back and that time accused Shrikrushna caught hold his hand. Accused Pawan also beat him by means of stick. He threatened to kill him and abused in filthy language. After this incident informant lodged report at Police Station,

Sakharkherda. Injured Eknath died in Shrikrupa hospital during treatment, therefore, Section 302 of I.P.C. came to be added in crime No. 110/2024 registered at Police Station, Sakharkherda.

**03]** Learned counsel Mr. T. M. Kale for the applicant vehemently argued that incident took place on 19.04.2024. Thereafter, report came to be lodged on 30.04.2024. The applicant is arrested on 07.05.2024. He further submitted that initially an offence under Section 324, 504 and 506 of I.P.C. came to be registered against accused person. Later-on offence under Section 302 of I.P.C. was added on 08.05.2024. Pointing out allegation in the report and first information report, learned counsel submitted that applicant never intended to kill any person. Only allegation against him is that he caught hold hands of deceased Eknath. There is no allegation that he had beaten to deceased Eknath.

**04]** It is further submitted that prosecution has not satisfactorily explained 12 days delay in lodging report, which indicates that report was lodged after thought. It is further submitted that in the charge-sheet three different spot of incidents are shown, which creates serious doubt about the presence of applicant. There is no independent witness examined by the prosecution to strengthen their case. Pointing out statement of Ambadas Tale it is submitted that deceased fell down from motorcycle and he was not killed by the accused person. It is further submitted that only offence under Section 324 of I.P.C.

would be attracted against the applicant.

**05]** It is further submitted that accused Shrikrushna Tale is released on bail by the Hon'ble Bombay High Court bench at Nagpur. Role of Shrikrushna and the applicant is one and the same. In fact accused Shrikrushna used iron fighter to beat informant and his brother. No such allegation is levelled against the applicant, therefore, role of applicant is less than accused Shrikrushna. He further submitted that allegation levelled against the applicant is that he beat to Hariram and Pandurang and their injuries are simple in nature. Therefore, no offence under 302 of I.P.C. made out against the accused. Consequently, on the ground of parity the learned counsel for the accused prayed to release the applicant on grant of bail. To justify the argument learned counsel filed bail order in this crime i.e. **Criminal Application (BA) No. 1180 of 2025, Shrikrushna @ Litter Devidas Tale Vs. State of Maharashtra**, passed by the Hon'ble Bombay High Court bench at Nagpur.

**06]** Per contra learned A.P.P. Smt. Sonali Sawaji for the State strongly opposed bail application relying on the say of Investigating Officer. He submitted that informant and injured were admitted in the hospital and therefore, delay caused in lodging report. She further submitted that delay is satisfactorily explained. She further submitted that applicant has taken active participation in the commission of murder of Eknath. Prima-facie

case is made out against accused person. She further submitted that if the applicant is released on bail, he may tamper to prosecution witnesses. Therefore, learned A.P.P. prayed to reject the bail application.

**07]** Having considered rival submission of either side, going through Judgment passed by the Hon'ble Bombay High Court bench at Nagpur in the present crime it appears that the Hon'ble High Court enlarged accused Shrikrushna Tale on grant of bail. Therefore, on the ground of parity and change in the circumstances present bail application has been filed.

**08]** Pursuant to report and F.I.R. it appears that it is allegation against the applicant that he along-with accused Shrikrushna were holding the hands of deceased Eknath and Pandurang. It is allegation against the applicant that he had beaten to Hariram and Pandurang by means of stick. Medical certificate of Hariram and Pandurang goes to show that they had simple injuries. There is no allegation against the applicant that he had beaten to deceased Eknath. The bail order of the Hon'ble Bombay High Court discloses that accused Shrikrushna was holding hand of deceased Eknath and Pandurang and he gave blow of iron fighter on the face of Hariram and therefore, his role can be separated from the main accused.

**09]** Considering record and order of the Hon'ble Bombay High Court it appears that role of the applicant is one and the

same as like a role of accused Shrikrushna. In fact it can be said that the role of applicant is lesser than accused Shrikrushna, who used iron fighter in the commission of this crime. The allegations against accused Shrikrushna and present applicant are same, therefore, benefit of parity would be extended to the applicant.

10] Beside the above said factual aspects it is undisputed fact that there was a land dispute between two brothers i.e. Eknath and Devidas interse. Devidas insisted deceased to handover 4 Guntha land and on that count dispute arose. There is delay of 11 days in lodging report. No vital role has been played by present applicant. The main accused is Sitaram. The applicant was arrested on 07.05.2024. The investigation is completed and charge-sheet has been filed, therefore, further interrogation is unwarranted. The applicant is ready and willing to abide himself with any condition of bail order. Sufficient time would be required for conclusion of trial. Per contra, fear of the prosecution and safeguard of the witnesses can be secured on imposing stringent condition. Hence, considering facts and circumstances of the case, bail order of the Hon'ble Bombay High Court, ground of parity and stage of trial, accused is entitled to be released on bail.

With this, I proceed to pass following order.

**- O R D E R -**

[01] Regular Bail Application (Exh. 41) is allowed.

[02] Applicant - **Pawan Devidas Tale**, be released on bail on his

executing personal bond of Rs. 50,000/- (Rupees Fifty Thousand only) and furnishing one or more solvent surety in the like amount in Crime No. 110/2024 registered at Police Station, Sakharkherda for the offence punishable under Sections 302, 307, 324, 504, 506 r/w 34 of the Indian Penal Code.

- [03] He shall not give threat, promise or inducement to the informant and other material witnesses.
- [04] He shall not tamper prosecution's evidence in any manner.
- [05] He shall not commit any offence in future.
- [06] He shall not abscond and furnish his address to the Police along-with address proof.
- [07] He shall not leave the jurisdiction of this Court without prior permission of the Court.
- [08] He shall not misuse the liberty granted by this court, otherwise bail order would be stand cancelled.

(Dictated and pronounced in open court).

Place: Mehkar  
Date : 11.02.2026

**(Sagar K. Mungilwar)**  
**Additional Sessions Judge**  
**Mehkar, Dist. Buldhana**

**CERTIFICATE**

I affirm that the contents of this PDF file Order / Judgment are correct word to word as per the original.

Name of Court : Shri. Sagar K. Mungilwar  
Additional Sessions Judge, Mehkar,  
Dist. Buldhana.

Name of Steno : Shaikh Imran Abdul Rauf,  
Stenographer, Grade-1, Mehkar.

Date : 11.02.2026