

**:: 1 :: Bail application in S.T. No. 49/2024**

**State Vs. Parmeshwar Vishnu Wayal  
CNR No. MHBU20-000725-2024**

**ORDER BELOW EXH. 51**

**(Dt. 11.03.2026)**

**01]** Applicant - **Parmeshwar Vishnu Wayal** has filed second bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita for grant of bail.

**02]** According to prosecution's case, informant Dagduba Ghorpade resides at village Dhanora Tq. Sindkhed Raja Dist. Buldhana. He is having two sons namely Gajanan and Babasaheb. Gajanan used to work as driver on JCB of one Parmeshwar Munjwar. Prior 7 to 8 days, accused Parmeshwar and Vishnu had been to the house of informant and asked him to send Gajanan for work on their JCB. At that time, informant stated to accused that his son is working on JCB of Parmeshwar, so, he cannot work on their JCB. That time, accused Parmeshwar and Vishnu threatened to informant. On 31.01.2024, at about 08.00 p.m. when Gajanan was proceeding towards the house of Parmeshwar Munjwar for handing over the key of J.C.B., in front of the grocery shop of Arun Tupkar, accused Parmeshwar raised quarrel with Gajanan on the count that Gajanan is not working on his J.C.B. Thereafter, accused Parmeshwar called other accused, he also brought one wood log with him and gave blow of wood on the head of Gajanan from his back side. At that time, other accused beaten to Gajanan with kick and fist blows, abused and threatened to kill him.

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Parmeshwar Munjwar, Pandurang Ghorpade and Babasaheb Ghorpade pacified the quarrel. After this incident injured Gajanan was initially taken to Government hospital, Kingaon Raja, then he was taken to Jalna and thereafter, to J.J. Plus Hospital at Chhatrapati Sambhajinagar. Thereafter, informant reached to police station and lodged report. Accordingly, crime is registered against accused persons for the offence punishable U/s. 307, 323, 504, 506 r/w. S.34 of Indian Penal Code. During treatment injured Gajanan succumbed to his injury. Therefore, offence U/s. 302 of Indian Penal Code came to be added in the present crime.

**03]** I have heard learned Advocate Mr. R. J. Nikas for the applicant and learned A.P.P. Mr. S. H. Joshi for the State. Learned defence counsel submitted that previous bail application of the applicant is rejected by this Court. Now the applicant has filed fresh bail application on humanitarian ground, length of custody period and on the ground of parity. He further submitted that First Information Report is hearsay. The applicant did not possess J.C.B., therefore, reason of incident is completely false. The incident occurred due to sudden provocation. There was no enmity between deceased and accused person. As such there was no pre-meditation of committing an offence of murder. He further submitted that all the prosecution witnesses are interested witnesses. There is variance in their statement recorded under Section 161 of the Cr. P.C., therefore, their evidence is not reliable and trustworthy.

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He further submitted that the applicant is sole earning member of his family. His father is 80 years old and he is bedridden. As the applicant is behind the bar, his family members are facing financial crises and starvation.

**04]** Learned counsel further submitted that the applicant is behind the bar from dated 01.02.2024, but there is no progress in trial. Other accused in this crime are released on bail and therefore, applicant is also entitled to be released on bail on the ground of parity. He further submitted that investigation in this crime is completed and charge-sheet has been filed before this Court. Therefore, nothing remains to be investigated. Lastly, he submitted that the applicant has no criminal antecedent and he is ready to abide himself with any condition of bail order. Hence, learned counsel prayed to release the applicant on grant of bail. To justify the argument learned defence counsel relied on following Judgment i.e.

**01] Sonu Parmeshwar Jha Vs. The State of Maharashtra, in Bail Application No. 4122 of 2021, decided on 18.01.2023.**

**02] Manthan Arjun Dhulap Vs. The State of Maharashtra, reported in DLD (Cri)-2024-2956.**

**03] Subhash Sakharamji Bhakre Vs. The State of Maharashtra, reported in DLD (Cri)-2022-1351.**

**04] Prabhu Vs. State of Karnataka, in Criminal Petition No. 4101/2017, decided on 06.10.2017.**

**05] Jeet Ram And Etc.Vs. State of Himachal Pradesh, reported in 2003(2) ALD (Cri) 17.**

**05]** Per contra, learned A.P.P. strongly opposed the argument advanced on behalf of the applicant relying on the say of Investigating Officer. He submitted that the offence committed by the applicant is serious in nature having capital punishment. He further submitted that there is eye-witnesses of the incident, which proves prima-facie case of murder against the applicant. Learned A.P.P. pointed out postmortem report to show the cause of death as head injury. He further submitted that the weapon is recovered at the instance of applicant and therefore, memorandum and seizure panchanama of stick under Section 27 of the Indian Evidence Act is proved and relevant. Learned A.P.P. further submitted that there is no change in the circumstances to entertain the bail application. Applicant and witnesses hails from same village and therefore, if the applicant is released on bail, he may tamper to prosecution witnesses or he may flee from justice. Hence, learned A.P.P. prayed to reject the bail application.

**06]** On going through charge-sheet it appears that prior to this incident, applicant/accused had been to the house of deceased for calling him to work on his J.C.B. as a driver. Deceased was working as a driver on J.C.B. of Parmeshwar Munjawar. In this back-ground, on the day of incident, at about 08.00 p.m. when deceased was proceeding towards the house of Parmeshwar Munjawar, in front of grocery shop of Tupkar,

applicant pick-up quarrel with deceased. Applicant assaulted deceased on his head from back side with wooden log. Statement of eye witness Babasaheb Ghorpade, so also, his statement recorded U/s. 164 of Cr. P.C. goes to show that allegation regarding assault on the head of deceased is attributed to applicant Parmeshwar. Thus, specific allegations are levelled against applicant connecting him with the head injury sustained by deceased. Postmortem report goes to show that injury No. 1 i.e. head injury mentioned in column No. 17 with corresponding internal injury mentioned in column No. 19 individually sufficient in ordinary course of nature to cause death. Provisional cause of death of deceased Gajanan is head injury. Memorandum panchanama goes to show that weapon i.e. wood used in the commission of an offence is seized at the instance of applicant Parmeshwar. Opinion of Medical Officer goes to show that injuries sustained by deceased may be caused by seized wood. Thus, material on record do not suggest any provocation by deceased at the time of incident and that the incident occurred in a spur of moment. So, from the material available on record, prima-facie involvement of applicant is disclosed and it can be seen that accusation against accused is well founded.

**07]** Undisputedly, role of applicant differs from the role of other accused person, who are enlarged on bail. Undisputedly, there is direct evidence on record against the accused showing that he has committed murder. Undisputedly,

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charge has been framed against the accused person and prosecution is ready to conclude the trial within a short period. Undisputedly, applicant is main accused, who is responsible for the murder of deceased Gajanan. Therefore, applicant is not entitled for parity. Consequently, due to these reasons facts of the present case differs from the reported cases cited supra and therefore, ratio laid down therein is not helpful to the applicant.

**08]** The offence is serious in nature and having capital punishment. Copy of N.C.R. No .62/2024 dated 24-02-2024 goes to show that after releasing on bail, co-accused threatened to the informant to withdraw the case. Therefore, there is reasonable apprehension of prosecution regarding tampering with the prosecution evidence. Considering the above facts and circumstances, I am of the view that applicant is not entitled to be released on bail as there is no change in the circumstances. .

Hence, I proceed to pass following order.

**- O R D E R -**

Bail Application (Exh. 51) is rejected.

(Dictated and pronounced in open court)

Place: Mehkar  
Date : 11.03.2026

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

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**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 : 11.03.2026