

COMMON ORDER PASSED BELOW EXH. 23 AND 31 IN
SESSIONS CASE No.72/2024

(CNR No. MHDH010022132024)

(The State of Maharashtra -v/s- Prajwal Jamnalal Pawar+ 1)

(Passed on 26.02.2026)

(1) Both the accused have moved these successive bail applications seeking regular bail under Section 439 of Code of Criminal Procedure (Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023), in Crime No. 126/2024 registered with Dhule City Police Station for the offence punishable under Section 307, 324, 323, 506, 143, 144, 147, 148, of the Indian Penal Code, read with Section 4, 25 of the Arms Act read with Sections 37 (1) (3) and 135 of the Maharashtra Police Act. The accused No.1 was apprehended on 13.03.2024 and remanded to police custody till 18.03.2024 and since then he is in M.C.R. The accused No.2 was arrested on 15.03.2024 and remanded to police custody till 18.03.2024. The earlier bail applications of the present accused persons were rejected by this Court. These are third bail applications filed by each of the accused persons.

(2) As per the FIR, on 11.03.2024 at about 04.00 p.m., when the informant was present on his pan-shop, the accused No.2 and one Vishal came to him and slapped him on the count of lodging complaints against them. At that time one Kalpesh Joshi, Vijay Patil, and the accused No.1 were standing behind the informant. Then the accused No.2 took the sword and assaulted him. The accused No.1 and Vijay Pawar pushed the informant and made her lie and assaulted him by fist and kicks. It is further alleged that Kalpesh Joshi tried to assault the informant on his head by sword to which he

warded off and he sustained fracture injury right hand and right wrist. He fell down, then the accused No.2 sat on his person and assaulted him on left side of chest with intention to kill the informant. When the younger brother of the informant came to intervene, Vishal Patil assaulted him by scythe on his right hand and Vijay assaulted on his left leg by sharp weapon. When the surrounding people gathered there, all the accused persons fled away towards the direction of 'Fashi Pul'. Thereafter, the informant and injured were taken to the hospital. The police recorded their statements in the hospital and on that basis offence came to be registered against the accused and others.

(3) The learned advocates for the applicant/accused have submitted that the applicants are innocent, they have not committed any crime and are falsely implicated in this crime. The allegations levelled against the accused are false, frivolous and vexatious. Prima facie, the ingredients of the offence alleged are not attracted to the facts of the case against the present applicants/accused. The prosecution story does not inspire confidence and the allegations in the F.I.R as against the applicants/accused are unbelievable and unacceptable. It is submitted that the motive as alleged behind the alleged assault by the applicants is very weak. It is also submitted that the investigation in the said crime is completed and the charge sheet is also filed. The applicants/accused are behind the bars since their arrest. They are poor labourer and support their family by doing daily wages job. The further detention of the accused shall cause great hardship to their family. The applicants/accused are permanent residents of Dhule and there are no chances of their absconding if

they are released on bail. They are ready to abide by all the condition. Hence, they pray to enlarge the accused on bail.

(4) The prosecution has resisted the applications by filing say mainly on the grounds that the accused persons by sharing common intention with co-accused, assaulted the informant and others. Earlier bail applications were already rejected by this court on merit. There is no change in circumstances. Therefore, the prosecution prays to reject the application.

(5) Perused application, Say and charge sheet. Heard learned advocate for the accused and learned PP for the State.

(6) On meticulous perusal of the record, it evinces to me earlier also two bail applications of both the accused were rejected by this Court. Thereafter, they had preferred bail application before the Hon'ble High Court which were withdrawn subsequently. The charge is framed and the matter is pending for filing say on the notice under Section 294 of the Cr.P.C. But the accused No.2 has not filed his say till today. Already the prosecution is ready to proceed with the trial on day-to-day basis to examine the material witness. Therefore, the reason mentioned in the bail application that there is delay in the trial is the false reason. Already the earlier bail applications were rejected by this Court on merit and the accused persons failed to demonstrate any change in circumstances in the case. Therefore, I do not find any substance in the present applications and both the applications are liable to be rejected. So far as the long incarceration of both the accused is concerned, direction

can be given to both the sides to expedite the trial which will serve the purpose. In the result, following order is passed ;

OPERATIVE ORDER

1. The applications Exh.23 and 31 are hereby rejected.
2. Both the parties are directed to expedite the trial.
3. The applicants/accused have liberty to file application for bail after the examination of the material witnesses.

Date : 26.02.2026. (Smt. A. B. Sharma)
Additional Sessions Judge, Dhule.

Certificate

I certify that the contents of this PDF file is word to word as per original Order.

Name of the Steno : I. S. Ansari
Name of the Court : District Court-1 & Additional Sessions
Court, Dhule.
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