



IN THE COURT OF SESSIONS JUDGE, GADCHIROLI

(Presided over by Shri A. L. Tikle)

Criminal Bail Application No.20/2026

- 1] **Akash s/o Moreswar Nimsarkar,**
Aged about 40 years,
Occupation : Private work,
 - 2] **Julie Dhammanand Galbale,**
Aged about 36 years,
Occupation : Private work,
Both R/o. Waigaon, Tah. : Chamorshi,
District : Gadchiroli
- : Applicants/Accused**

..Versus..

State of Maharashtra through

Police Station Officer,

Police Station, Ashti,

Tah. : Chamorshi, Dist. : Gadchiroli

:- Prosecution

O R D E R (Below Exh.1)

(Passed on : 17th March, 2026)

By this application, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicants/accused have prayed for grant of bail in Crime No.35/2026 registered with the Police Station, Ashti for the offences punishable under Sections 105, 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2] I have heard Mr. V. S. Lokhande, the learned counsel for the applicants and Mr. S.U. Kumbhare, the learned Additional Public Prosecutor for the prosecution, in support of the application and say by the prosecution, respectively. Their contentions and submissions are dealt specifically as and when required as below.

3] With assistance of Mr. Kumbhare, I have perused the investigation papers so far, which have been placed before me, only for my perusal.

4] As per the FIR itself, a quarrel which turned into a fight was going on between deceased Dhammanand Galbale and applicant no.2. They were man and wife. Both were beating each other. At that time, applicant no.1, who is a brother of applicant no.2, reached there. Applicant no.1 then twisted one hand of the deceased and beat him with fists on his back. The said incident was witnessed by almost four persons. The statements of those persons are forming part of the investigating papers. As per the FIR itself, the deceased was taken to a hospital. At that hospital, applicant no.2 stated false, that the deceased suffered the injuries in an accidental fall as he was under influence of the liquor. The concerned doctor asked applicant no.2 to shift the deceased to a higher center. But applicant no.2 did not take the deceased to such higher center. From 15.5.2025 to 20.5.2025, the deceased remained untreated. Then his injury which was at his spine became aggravated. Though the deceased was later admitted at the Rural Hospital, Ashti and later referred to Gadchiroli and Nagpur, the deceased succumbed to the injuries on 24.5.2025. The explanation subjected by applicant no.2 as per the FIR, was that due to poverty, she was unable to shift the deceased to a higher center. But later on, the deceased was, as noted above, lastly shifted to Nagpur also.

5] Upon perusal of the FIR and the statements of the witnesses, it becomes apparent, that even an offence punishable under Section 105 of the BNS is difficult to attribute. Neither there was any intention or knowledge to applicant no.1, that by his acts, there was a possibility of death of the deceased. Applicant no.1 being a brother of applicant no.2, took her side and beat the deceased. Any weapon was

not used. Thus, prima-facie the offence committed by applicant no.1 may be scaled down. The allegation against applicant no.2 is, that she did not take proper care. Any role of beating as referable to the injuries suffered by the deceased has not been attributed to applicant no.2. Again, the acts of applicant no.2, whether can be called acts with necessary mens-rea is a debatable question. That apart, since their arrest dated 5.2.2026, the applicants are behind bar. The offence charged is punishable with imprisonment which may extend to ten years. At the most, the acts can be referable to the knowledge. Hence, I am inclined to allow the application. To rule out the apprehensions raised by Mr. Kumbhare, that applicants may tamper with the prosecution evidence, pressurize and induce the prosecution witnesses, some conditions on the applicants as per the operative order, can be imposed. Thus, I proceed to pass the following order.

ORDER

- 1] Criminal Bail Application No.20/2026 is hereby allowed.
- 2] Applicants/accused **Akash S/o Moreshwar Nimsarkar and Julie Dhammanand Galbale** shall be released on bail under Section 483 of the BNSS, in connection with Crime No.35/2026 registered with the Police Station, Ashti for the offences punishable under Sections 105, 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), on furnishing the PR. bond of Rs.25,000/- each and surety of like amount.
- 3] The applicants shall not enter within the revenue limits of village Waigaon, Taluka : Chamorshi, District : Gadchiroli for next one month or till filing of final report under Section 109 of the BNS, whichever is earlier.

4] The applicants shall comply the conditions as provided by
Section 480(5) of the BNSS.

(Dictated and pronounced in open Court.)

Gadchiroli
17th March, 2026

(**A. L. Tike**)
Sessions Judge, Gadchiroli