

MHGA010001672026



**IN THE COURT OF AD-HOC ADDITIONAL SESSIONS JUDGE,  
GADCHIROLI**

(Presided over by Shri V. S. Khot)

**Criminal Bail Application No.37/2026**

**Devaji S/o. Manguji Usendi**

Aged 47 years, Occu. Mechanic,

R/o. Samvidhan Chowk,

Vivekanandnagar, Gadchiroli,

Tah. & Dist. Gadchiroli

.. **Applicant**

**-versus-**

State of Maharashtra

Through P.S.O. P.S. Dhanora,

Tah. Dhanora, District Gadchiroli

.. **Non-applicant**

**Order Below Exh.1**

(Passed on : 31<sup>st</sup> March, 2026)

1] The applicant has filed this application for releasing him on bail under the provisions of Section 483 of the BNSS, 2023.

2] The applicant contended that Police Station Officer, Police Station, Dhanora registered offence no.20/2026 under Section 109(1) and 115(2) of the BNS, 2023 on 28.02.2026 and arrested the applicant and since then he is in judicial custody. The Police Station Officer, Police Station, Dhanora registered the complaint wherein the informant submitted that incident occurred on 27.02.2026 at about 5.00 p.m. He was returned from the agricultural field with his wife. His timber was thrown out of house and those were scattered. He was attacked by the

applicant. The applicant answered that he has thrown the timber and it should not be put there hereinafter. The dispute crept between them. The applicant hit stick on the head of the informant. He also hit the stick on ear. The informant received injuries and blood started oozing. The applicant went from there. The informant approached to the police and registered the offence against the applicant. The applicant came to be booked under Section 109(1), 115(2) of the BNS, 2023.

3] The allegations put against the applicant are pre-matured. The applicant had taken the monetary help from the informant for mechanic work. The applicant paid Rs.15,000/- to the informant for purchasing immovable property. Rs.5,000/- was to be given by the applicant to the informant, but he denied to receive it. The applicant directed the informant not to put utensils in front of his house. Being aggrieved by those acts he tried to beat the applicant. The informant fall on the wooden log and received injury. The applicant is having no fault in this case.

4] There is no need of applicant's case. The applicant is a law abiding citizen. He is having wife, kids and old aged mother and father. The applicant is having responsibility to maintain them. He is ready to furnish bail. He is ready to observe the conditions. He be enlarged on bail.

5] The say of other side came to be invited. The learned APP submitted the say vide Exh.5 and put objection to the bail application. Learned APP submitted that the applicant can repeat the offence and impose burden upon the informant. He can commit any other offence. This offence is serious one and investigation is going on. The applicant is not entitled to be enlarged on bail. The bail application be rejected.

6] In view of the rival contentions of the parties, following points for my determination and I have recorded my findings subject to the reasons mentioned hereinafter.

| No. | <u>Points</u>                                                                            | <u>Findings</u>     |
|-----|------------------------------------------------------------------------------------------|---------------------|
| 1.  | Whether the applicant is entitled to be enlarged on bail under Section 483 of the BNNS ? | ..Yes...            |
| 3.  | What order ?                                                                             | As per final order. |

### **REASONS**

7] The applicant has filed this bail application and submitted that he is a law abiding citizen. The informant fall on the wooden log and received injury. He can not be blamed for that. The applicant is ready to furnish bail and follow the conditions. There was a dispute between them on the point of immovable property. The applicant prayed for bail. On the contrary, the non-applicant submitted that the applicant can repeat the offence and put burden upon the informant. The bail application is devoid of any merit and liable to be rejected. The learned APP prayed for rejection of the bail application.

8] The applicant has filed this bail application. The perusal of the case papers makes it clear that the applicant is having no past criminal record. There is no contention on behalf of the prosecution that the applicant is a notorious criminal/habitual criminal. It appears that the applicant is not a habitual criminal and having no past criminal record. This fact goes in favour of the applicant.

9] The applicant is charged for the offence under Section 109(1) and 115(2) of the BNS, 2023. The offence is punishable up to imprisonment of 10 years and fine. The offence is not punishable with imprisonment with imprisonment for life or death sentence. This aspect

show that offence is not very serious. This point arises in favour of the applicant.

10] The perusal of the case papers show that there are allegations that the applicant beat the informant by stick. The fatal weapon is not used by the applicant to beat the victim. This aspect arises in favour of the applicant.

11] The informant is discharged from the hospital. There is no possibility of conversion of attempt to commit murder into the offence of murder. This aspect goes in favour of the applicant.

12] The FIR shows that there is an allegation that the applicant suddenly started beating the informant. It shows that the offence is not pre-planned. The applicant became irked on spot. There was no preparation before commission of offence. This fact arises in favour of the applicant.

13] In this case the applicant is discharged from the hospital. There is no requirement of custodial interrogation of the applicant. The investigation can go on and for that reason,

there is no requirement to keep the accused in custody. The applicant can be enlarged on bail. In view of abovesaid discussion my answer to point no.1 is in affirmative and I am inclined to pass following order resulting in grant of application.

### **ORDER**

1. The application for bail is hereby allowed.
2. The accused stands enlarged on bail of Rs.50,000/- with one surety in like amount in Crime No.20/2026 registered under Sections 109(1) and 115(2) of the BNS, 2023.
3. The applicant shall not leave the State of Maharashtra without

permission of the Court.

4. The applicant shall not commit any other offence while on bail.
5. The applicant shall attend the police station till charge-sheet is filed.
6. The applicant to appear at the police station and give presenty in between 9.00 a.m. to 7.00 p.m. on every Sunday.
7. The applicant to attend the dates of trial after filing of charge-sheet.
8. The applicant shall not commit any offence or intimidate the informant and witnesses in any manner.
9. The bail application stands disposed of and it be annexed to the charge-sheet after charge-sheet is filed.

Sd/-

Gadchiroli  
31<sup>st</sup> March, 2026

( Vishwas S. Khot )  
Ad-Hoc District Judge-1 &  
Additional Sessions Judge,  
Gadchiroli