

MHKO080003402026 	<u>CRI. BAIL A. NO.72/2026</u> <i>Nagendra Gavadu Patil Gavada</i> <i>Vs.</i> <i>State of Maharashtra</i> <i>(Through Chandgad P.S.)</i>
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-: FINAL ORDER :-
(Delivered on this 08th Day of July, 2026)

1. Applicant accused moved this Court vide Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in connection with the Crime No.157/2026 registered with Chandgad Police Station, for the offence punishable under Sections 109(1), 61(2), 118(2), 118(1), 189(2), 189(4), 190, 191(2), 191(3), 352 of the Bharatiya Nyaya Sanhita (BNS).

2. ***Concise case of the prosecution states in volume that*** the informant and accused persons hails from same village Dhekoliwadi, Tal. Chandgad. There is major land dispute being R.C.S. No.110/2010 *sub judice* before Civil Court, Chandgad, between the parties. As such, relations *inter se* them are strained. In the backdrop, owing to heated exchange of words took place in the morning, on 24/05/2026 at about 6.00 p.m., all accused by forming an unlawful assembly gathered together in front of house of the informant. They all were armed with wooden sticks, motorcycle shock absorber, axe and sickle, etc. At the relevant time, being part of unlawful assembly, all accused raised quarrels with the informant and his family members over the prolonged issue of land dispute and in the same episode applicant and co-accused Narayan Dhakalu Gavada-Patil, assaulted the informant by means of shock absorber, axe and sickle. Also, co-accused Vaibhav Narayan Gavada-Patil and co-accused Gavadu Dhakalu Gavada-Patil along with

other unknown persons of the same village assaulted the father and mother of the informant by means of shock absorber and wooden sticks respectively. The incident was lasted wherein the informant and other family members sustained injuries which would have caused their death. Eventually, the informant lodged detailed report about the incident where upon instant crime was registered.

3. Amid investigation, applicant accused were arrested, interrogated and after initial PCR remanded to MCR so on till date.

4. *Per* accused, they are innocent and falsely implicated in the crime. They are nowhere concerned with the alleged felony. The bunch of *actus reus* posed against them are baseless. Applicants are in MCR. Further incarceration of accused/applicant is not required for any purpose. As such physical custody of present applicant is not required for any sort of custodial interrogation. Nothing is to be recovered or discovered at the instance of applicants. They are permanent resident of their given address. The investigation is already completed and only filing of charge-sheet is awaited. Therefore, no useful purpose would serve by keeping them behind bar. At the end, they crave for their release on suitable bail.

5. *Negating above stance*, the prosecution raised potent objection for freeing of accused through their detail reply. According to them, offences alleged against accused are grave in nature. In these circumstances, if applicants are released on bail, there is possibility of tampering with the evidence and hampering the course of investigation. The *prima facie* case is made out against the applicants. They are part

of unlawful assembly. On the count of threat as well as gravity of crime, prosecution prayed for rejection of the application in *limine*.

6. Heard learned Advocate *Mr. VB. Kadukar* for the applicant accused and learned APP *Mr. S.A. Teli* for the prosecution, at length.

7. Adverting towards submissions made across the bar relating to the grant of bail it is epochal to look into the prime considerations of the bail vide Sec. 483 of BNSS which is *at par* with section 439 of the Code of Criminal Procedure. The Hon'ble Supreme Court has, in *catena* of judgments, outlined the considerations on the basis of which discretion under Section 439 of the Code of Criminal Procedure has to be exercised while granting bail. A useful reference on the point can very well be made from magnificent verdict of the Hon'ble Supreme Court in the case of ***Gurcharan Singh v. State (Delhi Administration)*, (1978) 1 SCC 118**. Certain important factors that are always considered while exercising discretion for conferring bail which *inter-alia* relates to *prima-facie* involvement of the accused, nature and gravity of the charge, severity of the punishment, and the character, position and standing of the accused.

8. A gainful reference can also be made from the verdict of Hon'ble Supreme Court in the case of ***State of U.P v. Amarmani Tripathi*, (2005) 8 SCC 21**. The above factors do not constitute an exhaustive list. The grant of bail requires the consideration of various factors which mainly depends upon the specific facts and circumstances of the case before the Court. There is no strait jacket formula which can ever be prescribed as to what the relevant factors could be.

9. In *Kalyan Sarkar V/s Rajesh Ranjan (AIR 2004 SC 1866)* it is held that “ *The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence.*” Thus, while deciding question whether bail is to be granted or not examination of the merits of the case is not to be considered. It is not at all desirable that court should appreciate evidence in depth at the pre-trial stage.

10. In the light of preceding legal scenario present application seeking regular bail deserves due deliberation.

11. Incisively, offence punishable under Sections 109(1), 61(2), 118(2), 118(1), 189(2), 189(2), 190, 191(2), 191(3), 352 of the Bharatiya Nyaya Sanhita (BNS), are alleged against instant accused. The bunch of offences is grave and contemplate heavy penalty for the same. Offence U/s 109(1) being offence of attempt to murder prescribe punishment of Life imprisonment. Instant matter is pertaining to alleged attempt to murder and it is specific case of the prosecution that all accused in pursuance of their common object knowingly and brutally assaulted the injured so as to endanger his life. Apparently, there is enmity within the parties owing to long way back land dispute, thus their relations are tense. The incident seems to be an outcome of the same. ***It is urged that applicant No.1 assaulted the informant by means of shock absorber over his head whereas applicant No.2 by means of sickle. The assault is serious. Weapon like axe, sickle, shock absorber***

and wooden sticks are allegedly used in the crime. Incisively main allegations are against the applicants. Upon perusal of entire papers so also the statement of the witnesses, I believe specific role is attributed towards applicant accused. Prima-facie involvement of present accused in alleged crime is visible. Having seen medico legal papers, there are grievous injuries sustained by the injured informant. Though he is discharged, but the injuries are fatal posing serious in nature. As of now all weapons are recovered which are primarily dangerous. There are always elements of effectual investigation. Culmination of all above circumstances I believe, at present, there is no specific reason to enlarge applicants on bail. The alleged offences are serious and contemplate life imprisonment for the same. Since investigation is not fully winded up, in the eventualities, applicant do not deserve bail, **at the moment.**

12. The exact role, involvement, intentions and to find out link with offence, effectual investigation with present accused is decisive and thus they are dis-entitled from claiming any relief of bail. *The application deserves disapproval, at the moment, till filing of the Final report.* To pen down omega, *ergo the order*

ORDER

1. Bail Application No. 72 of 2026 is Rejected.
2. Bail Application No. 72 of 2026 is disposed of accordingly.

Place: Gadhinglaj.
Date : 08/07/2026.

(Amit Anant Laulkar)
Additional Sessions Judge,
Gadhinglaj