



CNR:MHLA010040922024

**ORDER BELOW Exh. 27 IN S.C. No. 45/2025**  
**(State Vs. Gaurav Nikam and others)**

1. The accused No.1 Gaurav @ Jyotiba and accused No.3 Chandrakant Nikam have filed this application for releasing them on bail.
2. Read application and the reply filed by the I.O. and the learned P. P. at Exh. 31 & 32. Heard learned counsel for accused No.1 & 3 and the learned A.P. P. Perused the record of the case and the documents produced by the accused.
3. The informant Pallavi Arjun Nikam has lodged the FIR on 19.10.2024 at Chakur police station stating that on 18.10.2024 at about 8.30 p.m. her husband Arjun Nikam had been towards Hanuman temple. At that time accused Gaurav @ Jyotiba, Chandrakant, Savita and Krishna asked him as to why he lodged report against them in police station and abused him. Gaurav @ Jyotiba and Krishna went to house and brought sticks, Chandrakant and Savita caught her husband and then Gaurav @ Jyotiba and Krishna assaulted him by means of sticks on his head, hands and thigh. After hearing the shouts the informant went to the spot. The villagers Jyotiram Nikam, Shrihari Nikam and Balaji Shinde rescued her husband from the hands of accused and her husband was lying in unconscious state. Thereafter he was taken to Sahyadri hospital, Latur. he had sustained fracture injury to his skull. During medical treatment injured Arjun died on 27.11.2024

and the offence under Section 103(1) came to be added against the accused. After completion of the investigation the charge-sheet is filed against the accused showing accused No.4 as absconded.

4. Learned counsel for accused No.1 & 3 has submitted that they have not committed any offence. There are allegations of holding the injured against accused No.3, and he has not played any role in commission of the crime. In fact on 18.10.2024 at about 10.00 p.m. Arjun, Jyotiram, Suryakant, Atmaram and others had attacked on accused No.2 and her husband in front of their house with sticks and kattis. The accused No.2 Savita has filed a complaint in respect of the incident on 19.10.2024 at about 00.48 hours and Crime No.481/2024 has been registered against them under Section 189(2), 190, 191(1), 191(2), 296 and 351(2) of BNS. The accused No.2 has filed FIR against the informant under section 353 of I.P.C. in the period of Covid-19, when she was working as Anganwadi Sevika. The accused have been falsely implicated because of the previous enmity.

5. It is submitted that there are no allegations in the FIR that the accused assaulted with the intention to cause death. The crime under Section 109 of BNS has been added subsequently on 23.10.2024 at the instance of the informant. The statements of informant and other witnesses are contradictory. The recovery of weapons are not consistent with the allegations made by the witnesses. The spot panchanama was drawn on second day. Therefore, it is not possible that the sticks were recovered from the spot. At the time of incident the accused No.1 and 4 were not present in the house. The deceased has sustained only one injury and he might have died due to cardio-respiratory arrest. The

accused No.3 is old person having several ailments. The accused No.1 is an educated person and he has conducted many courses. The accused have no criminal antecedents. Their family is depend on them. The investigation has been completed and the charge-sheet is filed. Therefore, further detention of accused is not necessary. Therefore, Ld. counsel for the accused prayed for grant of bail to accused No.1 & 3.

6. Ld. APP has strongly opposed the application on the ground that the accused have committed serious offence of murder. The earlier bail application filed by accused No.1 has been rejected by this Court on merits. Thereafter he preferred BA No.336/2025 before the Hon'ble High Court Bench at Aurangabad and the said application has been rejected on 19.03.2025. Before the incident the accused had assaulted the deceased and Crime No.284/2019 was registered against them for offence under Section 307, 324, 506 r/w.34 of I.P.C. and the said matter is pending. On 12.05.2024 N.C. complaint was lodged against them vide N.C. No.440/2024 under Section 504, 506 of I.P.C. The accused had assaulted the deceased on the ground that on 16.10.2024 the father of deceased has given N.C. report No.980/2024 for offence under Section 152, 151(2), 3(5) of B.N.S. The informant, witnesses and the accused are resident of same village. After the incident also on the basis of report given by Vijaymala Nikam on 09.01.2025 N.C. No. 29/2025 has been registered against accused No.2 for offence under Section 115(2), 352, 351(2), 3(5) of BNS. The accused No.4 is still absconding. There are eye witnesses of the incident, and there is prima facie evidence against the accused. If the accused No.1 & 3 are released

on bail, there is every possibility of commission of another offence by them and tampering with the prosecution evidence and witnesses. Therefore, Ld. APP prayed for rejection of the application.

7. The informant has also resisted the application by filing affidavit Exh.35 stating that the accused are pressurizing the witnesses. After the incident another crime was registered against accused No.2 and there is danger to the property and person of the informant and witnesses, if the accused are granted bail.

8. I have gone through the record of the case. In the FIR it is specifically mentioned that the accused No.1 and accused Krishna brought sticks. The accused No.2 and Chandrakant caught the husband of informant and the accused No.1 and 3 assaulted him by means of sticks on his head, thigh and hands. The injury certificate of Arjun shows that he has sustained blunt head injury with scalp hematoma on right temporal region by hard and blunt object. The surgery of right FTP decompressed craniotomy was done. The CT brain shown large SDH along right fronto temporo parietal region. It shows that during medical treatment injured Arjun succumbed to death on 27.11.2024. It shows that he had sustained head injury, diffuse under scalp hematoma present over bilateral frontal, bilateral parietal and bilateral temporal region, bony window of size 12 cm x 12 cm present over right fronto parieto temporal region, bone piece not present in situ, margins clear cut regular suggestive of craniotomy. The cause of death is complications following head injury.

9. There are eye witnesses of the incident namely Shivdeep Nikam, Jyotiram Nikam, Shrihari Nikam, Balaji Shinde and the informant. It shows that N.C.No.980/2024 was registered by Chandrakant on 16.10.2024 against the accused in respect of the abuses and threats given by the accused. N.C.No.440/2024 was registered on 12.05.2024 by Suryakant Nikam against the accused regarding abuses and threats given by them. It shows that another crime No.284/2021 has been registered on 02.07.2021 in respect of assault by the accused to Suryakant Nikam and Arjun with allegations that the accused No.1 had assaulted injured Arjun by means of axe on his head and caused serious injury and offence under section 307, 324, 324, 323, 405, 506 r/w.34 of I.P.C. was registered against them. The role of accused No.1 and 3 have been specifically mentioned in the FIR and in the statements of witnesses that accused No.1 had assaulted Arjun by means of stick on his head and caused serious injuries and No.3 has hold the injured and also abused him.

10. The bail application of accused No.1 has been rejected by this Court on merits. Thereafter accused No.1 has filed bail application No.336/2025 before the Hon'ble High Court Bench at Aurangabad. The said bail application has been rejected by the Hon'ble High Court. The FIR discloses that after accused No.2 & 3 caught Arjun the accused No.1 and Krishna assaulted him by stick on his head. Even after the incident N.C. complaint has been lodged by the mother-in-law of the informant. The accused and informant and witnesses are resident of same locality. There are complaints by the informant in respect of tampering with the witnesses. In such circumstances, if the accused No.1 & 3 are

granted bail, there is every possibility of commission of another serious offence and tampering with the prosecution witnesses. There is no substantial change in the circumstances, since rejection of the earlier bail application of accused No.1. Therefore, considering the seriousness of the offence and the role played by accused No.1 & 3 and the injuries sustained by deceased Arjun, the accused No.1 & 3 are not entitled for grant of bail. Therefore, the bail application Exh.27 deserves to be rejected. Hence I proceed to pass the following order.

**ORDER**

The application Exh.27 is rejected.

(Dictated and pronounced in the open Court).

Date: 26.03.2025

**(R. B. Rote)**  
Additional Sessions Judge,  
Latur.

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"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER".

(Hariba R. Shinde)  
Stenographer (Grade-1)  
NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.) :	Shri R. B. Rote, Additional Sessions Judge, Latur
Date for pronouncement of Judgment/Order:	26.03.2025
Judgment/Order signed by P.O. on:	26.03.2025