

MHNS070003762026



Order Below Exh. 1

in

Criminal Bail Application no. 168 of 2026

Santosh Sonu Gavali & Ors.

Vs.

The State of Maharashtra

1. Applicant-accused **Santosh Sonu Gavali, Bharti Santosh Gavali, Kunal Subhash Gavali, Prem Laxman Yadav** and **Tonya @ Gajanan Laddu Yadav** have preferred present application under section 482 of the Bhartiya Nagarik Suraksha Sanhita seeking protection from arrest under **C.R. no. 14/2026** under sections 189(2), 191(2), 118(1), 115(1), 352, 351(2) of B.N.S. registered at **Malegaon Camp Police Station, Malegaon, Tal. Malegaon, Dist. Nashik.**

2. Ld. Advocate for the accused submits that accused had arranged the post death first annual rituals of Yogesh Gavali, brother of applicant-accused no. 1 Santosh Sonu Gavali. Further submitted that the complainant Neha is deceased Yogesh Gavali's wife. Further submitted that there were matrimonial dispute between Yogesh and his wife Neha therefore Neha and her maternal relatives were not invited in the said function. Further submitted that as this function was been arranged by these accused, therefore, they did not felt it proper to invite Neha. It is further submitted that as this function was been arranged by accused, therefore even otherwise it would be their sweet choice to decide to who would be invited to the function. Also submitted that accused did not committed mistake by not inviting the complainant Neha Gavali or her maternal relatives to the function.

3. It is further submitted that complainant and her maternal

relatives barged into the function and raised quarrels with the accused while they were having their meals. Further submitted that in fact complainant and her relatives started to assault these accused, with the utensils. Further submitted that, therefore, accused also retaliated to it. Further submitted that accused have also lodged complaint bearing C.R. no. 16/2026 against the complainant and her maternal relatives.

4. Further submitted that the articles used in the free fight were, bucket, big spoons and other articles of the ownership of the said hall, where the annul ritual function arranged, therefore, those articles cannot be seized. Further submitted that nothing else is required to be seized or recovered from any accused, dispute arose as the complainant felt her ego been hurt as she was not invited. Also submitted that there is no criminal antecedent to any accused, investigation ought to be completed by now. Nothing required to be seized or recovered, undertakes to co-operate. Accordingly, seeks protection of anticipatory bail.

5. Bail application is resisted by filing say at Exh. 06. Ld. APP vehemently arguing that as the complainant is deceased's wife, therefore, she expected invitation in the post death first annual ritual of her husband Yogesh Gavali. Further submitted that as per FIR complainant and her maternal relatives are assaulted by accused, therefore, articles of assault are requires to be seized. Further submitted that in case these accused are protected by grant of anticipatory bail, possibility of absconding, investigation to be hampered, pressurizing and influencing the complainant and witnesses, tampering evidence also cannot be ruled out. Accordingly,

resisted the bail application.

6. It just appears that occurrence was in a function wherein post death first annual rituals of complainant's husband was been held. Accused no. 1 Santosh Gavali is the deceased Yogesh's brother and other accused are similarly first degree or direct relatives of deceased Yogesh. Undisputedly, it would be the choice of the host, to decide whom to invite. In such circumstances, apparently the complainant and or her maternal relatives should not have any reason to be annoyed, in case of not invited, more specifically considering the matrimonial disputes between deceased Yogesh and his wife, the present complainant.

7. Further the articles used by rival parties to assault each other, are utensils and other articles of the hall in which the function was arranged. In such circumstances, the same cannot be a matter for seizure or recovery of any of these accused. Further a cross complaint being C.R. no. 16/ 2026 appears to have been lodged by the accused against the complainant. Moreover, complaint is dated 31.01.2026 about 1½ already been passed, thus, taking into consideration the nature of complaint, substantial investigation ought to be completed now. Further, even otherwise occurrence is result of family dispute, any accused's criminal antecedent not on record, also nothing is borne on record as to what aspect of remaining investigation would require the custodial presence of these accused. Thus it appears that further investigation, if any remaining, can be conducted even without having these accused arrested. Thus, accused appear to have made out case for being protected by grant of anticipatory bail. However, their

presence and co-operation in remaining investigation shall also have to be ensured. Hence, following order.

ORDER

1. Instant bail application stands allowed.
2. In the event of arrest of applicant-accused **Santosh Sonu Gavali, Bharti Santosh Gavali, Kunal Subhash Gavali, Prem Laxman Yadav and Tonya @ Gajanan Laddu Yadav**, under **C.R. no. 14/2026** registered at **Malegaon Camp Police Station**, Malegaon, Tal. Malegaon, Dist. Nashik, they be released on bail, upon his furnishing his P.B and S.B of Rs. 25,000/- (Rs. Twenty-Five Thousand only) each and subject to conditions that :-
 - (a) Accused shall not pressurize or influence the complainant or any of the witness, so as to dissuade them from giving evidence in this matter,
 - (b) Accused shall not tamper the prosecution evidence, in any manner.
 - (c) Applicant/accused shall attend the **concerned Police Station, Malegaon**, on **every Friday between 11:00 a.m. to 1:00 p.m., till further orders.**
3. Inform the concern police station accordingly.

Date :- 17.03.2026

(Y. H. Ameta)
Additional Sessions Judge,
Malegaon.