

MHPA010001202026



ORDER BELOW EXHIBIT NO. 04 IN SESSION CASE NO. 10/2026
State of Maharashtra Vs. Vishwambhar Laxman Sakhre
[Passed on 28th January, 2026]

Accused – applicant Vishwambhar Laxman Sakhre has filed this successive regular bail application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 244/2025 registered at Police Station Chudawa, Dist. Parbhani for offence punishable under Sections 109, 351(1) of the Bhartiya Nyaya Sanhita, 2023.

02. The prosecution case, in short, is that the informant/victim on 08.10.2025 in Yashosai Hospital, Nanded gave statement to the police that he is an agriculturist and has also does business of tent supply. He has 1½ acres agricultural land at village Dhangar Takili. His father has 1-H 34-R land. He and his father cultivate the land. Land of Vishwanath Sakhre is adjacent to the land of his father.

03. It has alleged that on 01/10/2025, the informant/victim told to Vishwanath Sakhre that he digged the common Bandh, therefore, the flow of water entered into his land. He told to Vishwanath Sakhre to restrain the water from flowing to his land. That time Vishwanath Sakhare threatened the informant to see him and left the spot.

04. It has alleged that on 06.10.2025, there was ‘Tervi

program' (programme of 13th day of death) in the village. Hence, the informant his father Digambar had installed tent there. After the said programme, in evening at about 5:00 to 5:30 pm said tent was uninstalled and kept it, in the tent shop. Thereafter, the informant went to the square and sat on bench there. However, at about 6:00 to 6:30 pm Vishwanath Sakhre came near to the informant and told him "on that day, in field, you talked more me, now I will see you". Thereafter, he assaulted to the informant by Koyata (sickle) on his head. At that time, the informant had tried to save him by keeping right hand, but he sustained injury to his head and right hand finger. After that Vishwanath Sakhare told the informant that he will kill him and in order to kill the informant, Vishwanath Sakhre assaulted him by Koyata on his neck. Due to the assault informant sustained serious bleeding injury. On hearing the sound of the informant, witnesses namely Digambar Sakhare, Dattatrya Sakhare, Gangadhar Sakhre came there. Then Vishwanth Sakhre ran away. After that witnesses Digambar Sakhare, Dattatrya Sakhare, Gangadhar Sakhre, Kailas Sakhre and Chandu Sakhre brought the informant to the hospital of Dr. Bartakke at Purna. After primary treatment there, the informant was brought to Civil Hospital, Parbhani. Stitches were applied on the injury of the informant on head and thereafter, he was referred to Government Hospital Nanded for further treatment. After that, the informant was brought at Yashosai Hospital, Nanded. On 07.10.2025 the informant was operated on his hand. During treatment the police recorded statement of the informant/victim.

05. On the basis of aforesaid statement of the informant/victim Crime No.244/2025 came to be registered against

the Vishwanath Laxman Sakhare for the offence punishable under section 109, 351(1) of B.N.S. at police station Chudawa.

06. The investigation was carried out by PSI Mukhedkar and Dy.S.P. Samadhan Patil. After investigation the accused was charge-sheeted. The JMFC Court has committed the case to Sessions Court as the offence U/sec.109 of the B.N.S. is exclusively triable by Sessions Court. The accused was arrested on 12/10/2025 and since then he is behind bars.

07. It is the contention of the accused that the informant is discharged from the hospital. The injured was not indoor patient for more than 20 days. So, there is no danger to the life of the informant. His submission is that he was not present on the spot at 6:30 pm, but only because there is civil dispute in respect of common boundary of agricultural land, false report came to be lodged. His submission is that this year there was heavy rainfall, so rain-water flows as per natural water flow, towards the lower level. Only because there was some exchange of words on 01.10.2025, the accused is falsely implicated him in this case. Nothing is recovered from his custody as provided under section 27 of the Indian Evidence Act to connect him with the crime. So called witnesses are close relatives of the informant. None was knowing as to who assaulted to the informant. If, in fact the informant was assaulted and the incident was witnessed by Digambar Sakhare and others, then definitely they would have lodged report at police station Purna. Even, no report was filed either at Chudava police station or at Nanded by those persons. This indicate that by that time none was

knowing, who was assailant, but the report is filed after thought. In the MLC issued by Yashosai Hospital Nanded, the name of assailant is not mentioned in history. There is inordinate delay in lodging the report. The contents of FIR reveals that there was grudge in the mind of informant as natural water flow of rain comes in the field of his father. His submission is that so called Koyata is seized from the spot, after three days, so plantation of other weapon cannot be ruled out. The clothes of the injured are not seized at Nanded. However, those are shown to be presented by Digambar Sakhare on 09.10.2025 at police station Chudawa. His submission is that he is arrested on 12.10.2025 and his clothes are shown to be seized on 14.10.2025. Unnecessarily, his motorcycle is also seized. He was in police custody from 13.10.2025 to 15.10.2025, but nothing was seized from his custody. His submission is that as per MLC, the injuries (wounds) on the person of Gajanan Sakhare are lacerated wounds and caused by hard & blunt object (injury No.1 and 3) and injury No.2 was contused lacerated wound of neck having size 10 x 5 cm, there is not mentioned the depth of injury, which creates doubt about the factual injury sustained. He is poor agriculturist and his family members are depending upon him. Since 15.10.2025, he is in jail. His family is under starvation. There is no criminal antecedence. The informant and his brother are businessman, therefore, there is no question of tampering the evidence. He is ready to furnish surety. He prayed to release him on regular bail.

08. Resisting the application Ld. APP Mr. Ghate in his say on the application, has submitted that the accused assaulted the informant by Koyata on his head and neck with intend to kill the

informant. The Koyata is seized nearby the spot of incident. The incident is captured in CCTV footage. There are independent eye-witnesses of the incident. About the medical certificate on query the doctor has opined that the injuries are possible by the weapon seized. There is prima facie evidence against the accused. The accused and informant are residing in the same village, so there is possibility that the accused will pressurize the informant and witnesses. If the accused is released, he will commit such type offence in future. The accused is of aggressive nature. He prayed to reject the application.

09. Digambar Gangadhar Sakhare, the brother of the informant appeared through Advocate. He has filed his affidavit at Exh.7. He submitted that the health of the informant is serious. The informant is operated on his hand. He is to be operated on neck either at Pune or Hyderabad. This accused is involved in Session Case No.15/2011, for the offence under section 302 of the Indian Penal Code. Family of the informant is under fear. He prayed to reject the application.

10. I have heard Ld. Adv. Mr.Bhosle for the accused and Ld. APP Mr. Ghate for the State. Perused the charge-sheet and I have gone through the previous bail order.

11. In previous bail order, it has observed that- "photograph of injury showing a big severe incision on the left side head, on the left side neck and to the hand of complainant. The blows of the said sickle is so severe that, it had almost cut through the skin to a deep extent. The intention of the accused can be gathered from the blows

given on the vital part of the body. Luckily the complainant escaped. The accused is adjacent owner and resident in the same village, having a grudge against the complainant and his family members. The offence is punishable with life imprisonment. It has further observed that it is possible that, if he is released, he may finish the act which was left unfinished. The applicant appears to be deeply involved in a serious offence. His participation in the assault is direct. He wanted to settle the score with the informant. He has strong criminal antecedents. The reason for launching the assault and the motive behind it needs to be recovered. The weapon used by the accused was seized from the spot, but that does not mean that, it was not recovered from him. The accused may remain absconding. He may run away from the justice delivery system. Being at large, it is possible that that he may commit more crime. He has criminal antecedent. There is every possibility of his tampering or hampering with the evidence. Hence, he is not entitled to relief unless the material witness is examined in the Court. The previous bail application therefore is rejected.

12. Ld. Advocate Mr. Bhosle for the accused argued that the name of assailant is not mentioned in MLC. There is delay in lodging the report. The weapon is not seized from the accused. Injured is discharged from the hospital. The accused is acquitted from the murder case. He argued that the MLC shows that the injuries caused by hard and blunt object. He argued that accused is ready to abide by the conditions imposed by the Court. He argued that the charge-sheet is filed and there is change in circumstances. He prayed to release the accused on regular bail.

13. On the other hand, the learned APP Mr. Ghate for the State argued that there is prima facie evidence against the accused. The accused assaulted the informant on his head and neck i.e. vital part. There are independent eye-witnesses. He is attempted to commit murder of the informant. The offence is punishable with life imprisonment. Criminal case under section 302 of Indian Penal Code was pending against the accused. The accused is of criminal nature. If he is released, he will pressurize the witnesses or commit such type of offence in future. He prayed to reject the application.

14. I have gone through the statement of witnesses. In the statement of witness Gangadhar Sakhare it has mentioned that on 06.10.2025, he saw the accused while assaulting the informant by Koyata. In the statement of witness Datta Sakhare it has mentioned that he saw the accused while assaulting to the informant by Koyata. In the statement of witness Digambar Sakhare he also stated that he saw the accused while assaulting the informant. In the statement of witness Shashikant Rodge, he stated that the accused assaulted to the informant and while running away he threw the Koyata behind his pan shop. In the statement of Shaikh Sameer it has mentioned that the accused came to his welding workshop for sharpening the Koyata.

15. As discussed above, while deciding the previous bail application aforesaid observations were made. The injuries are on vital part of the informant. Therefore, after filing of charge-sheet I do not find that there are changes in the circumstances. In previous bail

order, it has hold that there is possibility of tampering of the evidence by the accused and it will not be safe to release the accused till the material witnesses are examined in the Court. In view of the aforesaid facts, I am of the view that the successive bail application of the accused is liable to be rejected. In the result, I pass the following order.

ORDER

Regular bail application Exh.4 stands rejected.

Date: 28.01.2026.

(Gautam G. Bharne)
Additional Sessions Judge,
Parbhani.