

MHPA100003172026



**ORDER BELOW EXHIBIT No.1 IN
CRI. BAIL APPLICATION No.96/2026.**

Gajanan s/o Nagnath Phad

Vs.

The State of Maharashtra

1. Present application is moved by applicant Gajanan Nagnath Phad for order of releasing him on bail, in the event of his arrest in connection with Crime No.330/2026, registered with P.S.O., Gangakhed, for commission of offence punishable under Sections 109, 189(2), 191(2), 191(3), 190, 351(2) r.w. Sec.3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is contended that, informant Ganesh Kashinath Mundhe lodged report with police stating that present applicant, Sukhdeo Mundhe and unknown persons assaulted the informant and his wife with intention to kill them. In fact, the applicant is innocent and has not committed any crime. Delay of 04 days is caused in lodging the report. No explanation is given for such delayed FIR.

3. It is further contended that the applicant is studying at College of Engineering, Ambajogai. The college issued time table of practical examination. There is enmity

between the informant and his brother Sukhdeo. The informant himself admitted that he was riding a motorcycle. Therefore, possibility of accident can not be ruled out. Nothing is to be recovered from the applicant. The applicant is permanent resident of Dharmapuri, Tq. Parli. He will not tamper prosecution witnesses and is ready to co-operate investigating agency. It is prayed that application be allowed.

4. Informant Ganesh Mundhe filed his affidavit stating that present applicant and others assaulted him and his wife by means of iron pipes and sticks. He sustained fractures. The informant and his wife were taken to Government Hospital, Gangakhed and then were taken to ICU hospital, Parbhani. He was taking treatment and then lodged the report against applicant and others. His life is in danger at the hands of applicant and other accused.

5. Ld. APP, vide say Exh.8 opposed the application stating that the offence is of serious nature and is bodily offence. Medical certificate of informant is to be collected and other absconding accused are yet to be arrested. Present applicant is son of informant's sister. Weapons used in commission of offence are to be seized. The applicant may tamper prosecution witnesses and the applicant may help other accused to hide themselves. It is prayed that application be rejected.

6. Heard both sides. It appears that on 24/05/2026 informant Ganesh Kashinath Mundhe lodged report with police stating that present applicant, Sukhdeo Mundhe and six unknown person assaulted him and his wife. A dispute between himself and his brother Sukhdeo is going on, on account of construction of a new house. When the informant was passing by the side of his brother's house Sukhdeo caught hold his collar. Six unknown person came out of the house and started beating the informant by means of iron pipes. Present applicant and some unknown gave blows of iron pipes and sticks over his shoulder, arm and elbow. Wife of the informant was also assaulted by means of iron pipes and sticks. Informant and his wife sustained fractures.

7. It appears that present applicant is named in FIR. According to the prosecution case, present applicant and others used iron pipes and sticks for assaulting the informant and his wife. From discharge summary, it appears that the informant and his wife sustained fractures. Offence registered against the applicant is of very serious nature. Deadly attack was made on the informant and his wife. Except the applicant and Sukhdeo, other assailants are unknown. Weapons used in commission of the crime are yet to be seized. Prima facie, sufficient material is collected by the prosecution to show involvement of the applicant in the crime. Prior to lodging the

report, the informant and his wife were admitted in the hospital. In fact and circumstances, this is not a fit case to grant protection from arrest as prayed by the applicant. Hence, following order.

-:- ORDER -:-

- 1- Bail application is rejected.

Date 10/06/2026

(G. P. Bawaskar)
Addl. Sessions Judge, Gangakhed.