

**ORDER BELOW EXH.4**

(State of Maharashtra Vs Mukesh Atram + 2)

1] The present application for bail has been filed on behalf of the accused no.2 Santosh Patmase and the accused no.3 Mangesh Patmase, who have been charge-sheeted by the Deoli Police Station for the offences punishable under section 109, 118(1), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (here-in-after referred to as “ the B.N.S.”) and for the offence punishable under section 4 r/w section 25 of the Indian Arms Act (here-in-after referred to as “the M.V. Act”).

2] A perusal of the charge-sheet will show that the incident in question had occurred in the night on 13-6-2025. At that time, the informant – Maniklal Sharma along with his brother and son were coming out to sleep in the area in front of their room. After sometime, a tall boy came there and started taking away pieces of iron rods from the said place. The informant shouted at the said boy and stopped him from doing so. That boy then started abusing the informant, hearing which Bhulo Sharma, Karma Sharma and the informant’s son Rupesh Sharma went to catch him. At this, out of the three boys, one named Gajani took a sharp instrument made out of iron and assaulted the informant with the same on his head, forehead and right hand. Bhulo Sharma, Karma Sharma and Rupesh Sharma also came to be assaulted. The injured were then taken to the Rural Hospital at Deoli where the doctor examined and treated them. The accused no.1 Mukesh Atram and the accused no.2 Santosh Patmase came to be arrested on 14-6-2025. Mangesh Patmase i.e. accused no.3 came to be arrested on 15-6-2025. After the necessary investigation the charge-sheet in the matter came to be filed subsequent to which it came to be committed to the court of Sessions Wardha.

3] As per the application for bail, the accused no.2 and 3 are brothers and labourers who look after their family. As per the Advocate for these

accused persons, a perusal of the FIR will indicate that the offence in question had only been committed by the accused no.1 Gajani who was having strained relations with the informant. Further, as per the Advocate for the accused no.2 and 3 a scuffle had occurred between two groups i.e. the informant and his family members on one side, with the accused no.1 Mukesh Atram and his associates on the other. The informant as per the Advocate of accused no.2 and 3, then disclosed the names of the other two accused persons only to take revenge. It has further been stated that a perusal of the FIR will show that only the accused no.1 had committed the offence by using an iron bar. Surprisingly, it was then stated that he was accompanied with two unknown persons. This, as per the application for bail, creates a suspicion about the involvement of the accused no.2 and 3 in the matter. The charge-sheet, as per the Advocate for the accused no.2 and 3, also does not contain any material to connect the said accused persons with the crime in question. Pointing out that no allegations of assault by use of any weapon have been mentioned in the FIR against the accused no.2 and 3, they as per their Advocate, have not been shown to be involved in the matter.

4] Hence stating that nothing is required to be seized from the said accused persons and that they will not tamper with a prosecution witnesses or abscond and shall abide by all the terms and conditions which may be imposed upon them, their Advocate is seeking their release on bail.

5] The Id.APP has filed his reply (Exh.5). Therein the facts of the incident have been stated after which it has been contended that the offence in question is extremely serious in nature. It has then been pointed out that the informant and the accused persons reside in the same locality. Hence, contending that the release of the accused persons will result in the injured facing a threat to his life and that the said accused will try to pressurize the witnesses, he is seeking the rejection of the application.

6] A perusal of the FIR as registered by the Deoli Police Station will show that on 13-6-2025 in the night, when the informant and his relatives were coming out to sleep, the informant had seen a tall boy stealing pieces of iron rod from the spot. He had then obstructed him i.e. the said boy, who had then started abusing the informant. Thereafter, out of the three persons the boy called Gajani - as per the informant, assaulted him with a sharp weapon made out of iron. His son and other relatives also suffered injuries in the assault. It is therefore clear that though the FIR does not specifically state the exact role of the two other persons accompanying the boy named Gajani, in the assault on the informant and his relatives, the fact of two other persons having been present along with the main accused on the spot, is quite clear. Further, the subsequent statement of the informant will show that he has therein clearly stated that three boys had come and started stealing the iron rods at which the boy named Gajani had assaulted him with a sword. Thereafter, Mangesh Patmase as per the informant, had also taken the said sword and assaulted the informant and his relatives, while Santosh Patmase had assaulted everybody with fists and legs. Rupesh Sharma, Karma Sharma, Bulbul @ Bhulo Sharma have in their statements, implicated all the three accused persons in the crime in question. Surprisingly, however, a perusal of the statement of the informant and Bhulo Sharma as recorded under section 183 of the BNSS will show that therein, though they have stated the fact of three persons having come and assaulted them, the said persons as per the witnesses were unknown to them. Though Maniklal Sharma – the informant stated that he will be able to recognize those persons on seeing them, the Investigating officer has quite shockingly not conducted any identification parade regarding the accused persons. Further, Bhulo Sharma has in his statement, gone to the extent of saying that he will not be able to identify those persons even on seeing them. I am therefore, of the opinion that the material as available on the record regarding the

involvement of the accused no.2 Santosh Patmase and the accused no.3 Mangesh Patmase in the crime in question, is quite shaky in nature.

7] Further, all the injured persons appear to have recovered by now. The apprehensions as expressed by the Id. APP regarding the accused persons threatening the lives of the informant and the other victims, pressurizing the witnesses and even absconding, can be dealt with by imposing the appropriate conditions. It will also have to be noticed that the Id. APP has not pointed out the fact of the present two accused persons suffering from any criminal antecedents. In the result, as the investigation is also complete, I am of the opinion that the accused no.2 Santosh Patmase and the accused no.3 Mangesh Patmase have been able to make out a case for grant of bail. Hence, I proceed to pass the following order.

**ORDER**

- 1] The application stands allowed.
- 2] The applicant Santosh Prakashrao Patmase and Mangesh Prakashrao Patmase who are arrested in crime no.450/2025 registered by Police Station Deoli for the offences punishable under sections 109, 118(1), 352 and 3(5) of the B.N.S. and punishable under section 4(25) of Indian Arms Act be released on bail on executing a P.R. bond of Rs.20,000/- each and furnishing one solvent surety in the like amount on the following conditions-
  - a) That they shall not contact or threaten the informant or any other prosecution witnesses in any way.
  - b) That they shall attend the trial on each and every date unless exempted.
  - c) That they shall furnish the details of their residence, contact number to the Investigating Officer.
  - d) That they shall furnish the details of three of their blood relatives along with the necessary documents regarding their identification and address.

(Ms. S.J. Ansari)

Date : 20.01.2026

Addl. Sessions Judge, Wardha.

**Certificate**

"I affirm that the contents of the P.D.F. File order are same word for word as per original order.

S.V. Dakhane,  
Stenographer G-1