

In the Court of Additional Sessions Judge, Wardha.

Sessions Case No.109/2025
(CNR: MHWR010024322025)

State of Maharashtra
..V/s..
Gopal @ Prakash Bhoyar

Gopal @ Prakash Vishnuji Bhoyar .. **Applicant/Accused**

..V/s..

State of Maharashtra,
Through P.S.O., Pulgaon

.. **Non-applicant**

Order below Exh.3
(Passed on 24th February, 2026)

The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail in connection with Crime No.751/2025 registered at Pulgaon Police Station for the offences punishable under Sections 109, 352, and 351(2) & (3) of the Bharatiya Nyaya Sanhita, 2023.

2] The First Information Report was lodged on 12.09.2025 by one Mangesh Namdevrao Zoting. As per the FIR, on that day at about 4.30 p.m., the informant had gone to the house of his mother-in-law, Lata Bhoyar, at Mouza Loni, along with his wife and sisters-in-law, to assist in fencing the house with a wire compound. At about 5:00 to 5:30 p.m., his brother-in-law, Pravin Hatwar, also reached the said place.

3] It is alleged that upon seeing them, the present applicant came to the spot, started abusing them, and threatened to kill them. Despite

attempts by the informant and others to pacify him, the applicant allegedly scuffled with the informant and pushed him to the ground. Thereafter, he allegedly went to his hut, returned with axe and with the intention to kill assaulted Pravin Hatwar with the axe on the right side of his waist, left thigh, and left forearm, causing grievous injuries. On witnessing the assault, the informant and others returned with sticks to rescue Pravin Hatwar, upon which the applicant fled from the spot. The injured was immediately taken to the Rural Hospital, Pulgaon, for treatment, and thereafter the report was lodged. Investigation commenced and the applicant was arrested. Weapon was seized at the instance of applicant. It is pertinent to note that an earlier bail application filed by the applicant was rejected by my learned predecessor on 17.11.2025.

4] The applicant has been in judicial custody since 16.09.2025. It is contended that the investigation is complete and no incriminating material has been seized at his instance. It is further submitted that the injured was discharged after a few days and that the injuries are not serious or grievous.

5] It is also urged that a cross case arising from the same incident, bearing Crime No.752/2025, has been registered against the injured. It is argued that both cases arise from the same transaction and ought to be tried by the Sessions Court. It is further submitted that only five criminal cases are pending against the applicant, out of which three pertain to offences under the Prohibition Act. On these grounds, bail is sought.

6] The application is strongly opposed by the learned Public Prosecutor, who has filed a detailed reply at Exh.5. It is contended that the applicant inflicted severe axe blows on vital parts of the body with the intention to commit murder. It is further submitted that the weapon of offence has been recovered at the instance of the applicant. It is also pointed out that the earlier bail application was rejected on merits, and filing of the charge-sheet does not amount to a change in circumstances warranting reconsideration.

7] The prosecution further submits that the applicant and the injured are closely related and reside in the same locality; therefore, the possibility of influencing or intimidating witnesses cannot be ruled out. Though cross cases are registered, the applicant is alleged to have acted in an aggressive manner and inflicted serious injuries with a deadly weapon.

8] I have given anxious considerations to the submissions of both sides. At the outset, it needs to be mentioned that my learned predecessor rejected the earlier bail application considering the seriousness of the allegations, the nature of injuries, no substantial change in circumstances has occurred. The bail was not rejected due to pendency of investigation.

9] The record shows that the injured was admitted to the hospital on 12.09.2025 and had sustained grievous injuries. Medical papers reveal that X-ray and other diagnostic tests were conducted during treatment. The material on record also indicates prior enmity between the parties. Both victim and applicant reside in the same locality. In such circumstances, the apprehension that the applicant may indulge in

similar acts or influence witnesses, if released, appears to be well-founded.

10] It further transpires that the applicant has criminal antecedents, and two assault cases are pending against him before the Judicial Magistrate, First Class, Pulgaon. The alleged assault with an axe on vital parts of the body prima facie indicates intention to cause death. The offence under Section 109 of the Bharatiya Nyaya Sanhita is punishable with imprisonment for life. Considering the gravity of the offence, nature of injuries, antecedents, and absence of change in circumstances, I am not inclined to grant bail.

11] Having regard to the overall facts and circumstances, including the seriousness of the accusations, the manner of commission of the offence, medical evidence of grievous injuries, criminal antecedents, and likelihood of witness intimidation, this is not a fit case to exercise discretion in favour of the applicant. The application therefore deserves rejection.

Order

- (i) Criminal Bail Application (Exh.3) stands rejected.
- (ii) The Jail Authority, Wardha, and the concerned Police Station shall be informed accordingly.

Date: 24/02/2026

(S.A.S.M. Ali)
Additional Sessions Judge,
Wardha.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file are the same word to word, as per the assigned order.

(Madhav A. Chaudhari)
Stenographer