



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 681 OF 2026

Narottam Mohan Pawara .. Applicant
Versus
The State of Maharashtra .. Respondent

BAIL APPLICATION NO. 848 OF 2026

Vilas Dabanya Pawara .. Applicant
Versus
The State of Maharashtra and another .. Respondents

BAIL APPLICATION NO. 682 OF 2026

Mohan Luvarya Pawara .. Applicant
Versus
The State of Maharashtra .. Respondent

BAIL APPLICATION NO. 685 OF 2026

- 1] Dehlya Lotya Pawara
- 2] Dinesh Kurshya Pawara
- 3] Champa Sama Pawara
- 4] Ratilal Lotya Pawara
- 5] Tigan Beda Pawara
- 6] Ravya Sama Pawara

All above R/o Telkhadi,
Shelbarapada, Tq. Dhadgaon
Dist. Nandurbar

.. Applicants

Versus
The State of Maharashtra .. Respondent

BAIL APPLICATION NO. 686 OF 2026

Khema Maharya Pawara .. Applicant
Versus
The State of Maharashtra .. Respondent

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Shri P.N. Jain, Advocate for the Applicant (BA/848/2026)
Mrs08/05/2026. Rashmi S. Kulkarni, Advocate a/w Shri Ashish R. Kachole
i/by Mr. Mayur Borse and Shri Sachin Pawara, Advocate for applicants in
other BAs
Shri G.O. Wattamwar, A.P.P. for Respondent – State in all BAs
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CORAM : SHAILESH P. BRAHME, J.

RESERVED ON : 06.05.2026
PRONOUNCED ON : 08.05.2026

08/05/2026PER COURT :

Heard both sides.

2. The applicants are arrested in furtherance of Crime No. 167 of 2025 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable U/Sec. 103(1), 109, 332(A), 189(2), 190, 191(2), 191(3), 115(2), 352, 351(3) of BNS. The investigation is completed and chargesheet is filed on 13.12.2025. They are seeking bail.

3. It is reported to the Police by Manil son of the deceased Podya Pawara that his brother Ramdas was being arraigned as an accused in the offence of rape lodged at the instance of Elabai w/o Kursha Pawara. Ramdas was taken into custody on 16.09.2025 at 5.00 am. It is alleged that at about 8.15 am, applicants and the co-accused formed an unlawful assembly and rushed to the house of the informant. Being enraged by rape committed by applicant's brother, they were searching for Ramdas. Applicant's father informed them

about handing over of custody of Ramdas to the Police. The enraged and uncontrolled mob abused his father. The father is alleged to have been assaulted by wooden log by Wanya. Co-accused Narottam, Rosha, Mohan and Khema are alleged to have assaulted him by sticks, fist and blows. When the family members of the informant tried to rescue, they were also beaten up. The unconscious father was dragged out of the house. The relatives reached to the spot to save father but they were also assaulted by accused, including applicant by stone and sticks. The unconscious father is alleged to have been further assaulted by stone by Wanya and Roshya. Podya succumbed to the injuries.

4. Learned counsel Mrs. Rashmi Kulkarni appearing for the applicants submits that the prosecution story is exaggerated one. The injuries found on the body of the deceased do not indicate incriminating role of the applicants. The fatal injuries are caused by co-accused Wanya and Rosha. The allegations against the applicants are omnibus. The injuries on the witnesses are simple in nature. The prosecution is stated to have been conducted in surreptitious manner. Before lodging of the FIR, the spot *panchanama* was conducted, crime scene notes was also recorded before lodging of the FIR. The seizure of wooden sticks are from unprotected area.

5. It is submitted by learned counsel Mr. Jain that applicant no. 24 is alleged to have assaulted witness Anil but the injuries are simple in nature. The co-accused are released on bail. The supplementary statement also does not attribute any specific role.

6. Learned APP submits that there was a motive for the applicants to commit the assault on the informant and his family members. The statements of the injured eye witnesses and injury certificates corroborate the prosecution theory. The stones and the sticks are recovered from the spot of the incident and they were found with blood stains. Applicants actively participated in causing death of Podya. The persons whose role was marginal, are enlarged on bail. The ground of parity is not attracted in the case.

7. The assailants, victims and the witnesses are all residents of village Telkhedi, Shelbarpada, Tal. Dhadgaon, Dist. Nandurbar. They all are tribals and related *inter-se*. The informant's brother Ramdas was arrested in offence of rape. The incident in question occurred with a motive to take revenge. In all 24 accused are arraigned in the offence. Out of them, 12 are granted bail. This Court is considering plea of bail of 10 accused persons.

8. The involvement of the applicants, at a glance is depicted in the following table :-

Sr. No.	BA No.	Accused No.	Date of Arrest	Role
01.	848/2026	A-24 – Vilas	16.09.2025	Assaulted with wooden stick and stone – Kota, Bhaidas, Anil
02.	681/2026	A-1 – Narottam	16.09.2025	Assaulted (Podya) deceased with fist, kick, stick, stone
03.	682/2026	A-3 – Mohan	16.09.2025	Assaulted deceased with fist, kick, stick and stone
04.	685/2026	A-6 – Dehlya A-7 – Dinesh A-8 – Champa A-14 – Ratilal A-17 – Tigan A-22 - Ravya	16.09.2025 16.09.2025 16.09.2025 17.09.2025 16.09.2025 17.09.2025	Assaulted with fist, kick, wooden stick and stone
05.	686/2026	A-5 – Khema	16.09.2025	Assaulted deceased with fist, kick, wooden stick & stone

9. It reveals from the FIR and the statements recorded during the investigation that informant's father Podya was first abused by people and assaulted by accused no. 1 Wanya by wooden log. Accused no. 1 -Narottam, Accused no. 3 – Mohan and accused no. 5 – Khema, who are before this Court, are alleged to have assaulted by fists, kicks and blows. Accused no. 4 – Wanya is further alleged to have assaulted the informant. When Podya became unconscious, he was further assaulted by accused no. 4 – Wanya and accused no. 2 – Rosha by stone on his face and head.

10. The injured witness Kota, Bhaidas, Anil, Rinabai, Kutolibai, Jinabai are not consistently stating in tune with the FIR. Their statements would indicate omnibus allegations. It could be gathered that main assailants of deceased Podya were accused no. 4 – Wanya, accused no. 2 – Rosha, as they were holding weapons and the stones. Applicants - Narottam, Mohan and Khema also assaulted the deceased but by kicks and blows.

11. It is relevant to see the post-mortem report. In column no. 17, three injuries are recorded. In column no. 19, two injuries including fracture of scalp are recorded. The probable cause of death is reported to be head injury. The material on record would indicate that accused no. 1 – Wanya and accused no. 2 – Rosha would be the author of the fatal injuries on the vital part of the body.

12. Applicants – Narottam, Mohan, Khema inflicted injuries without using the weapon. Accused are alleged to have dragged the deceased. The medical record does not corroborate the prosecution theory. The allegations appear to be exaggerated.

13. Applicant Dehlya, Dinesh, Champa, Ratilal, Tigan, Ravya are alleged to have assaulted witnesses Bhaidas, Kota and Anil. I have gone through the statements and the injury certificates. The injuries are recorded to be simple in nature. Applicant - Vilas is alleged to have assaulted Anil but injury is simple in nature. There is no reason for the applicants to target the witnesses.

14. Weapons are recovered from open premises. The weapon query report supports the prosecution case. It's relevance can be gone into during the course of trial. The FIR was lodged on 16.09.2025 at about 20.15. The forensic report indicates visit to the spot at 20.22, referring to CR No. 161 of 2025 which creates doubt.

However, that cannot be the sole factor to castigate the investigation. An objective scrutiny is required to be undertaken to come to any definite conclusion before commenting upon the manner of investigation.

15. I find that huge mob had gathered and the assault took place. *Mens rea* cannot be attributed to applicants individually. Considering their roles, they are entitled to be released on bail. Applicant – Narottam is a teacher working in Z.P. school at Telkhadi.

16. Learned APP has vehemently pressed into service section 149 of BNS and the judgment dated 23.02.2026 of the Supreme Court in ***Shobha Namdev Sonavane Vs. Samadhan Bajirao Sonvane and others***. I have gone through paragraph nos. 26, 27 and 30 of the judgment. The criminal liability of the member of an unlawful assembly would be co-extensive. In the case at hand, there is no material to indicate that there was common object and knowledge amongst the members of the unlawful assembly. There is nothing on record to comment that they had formed an unlawful assembly to carry out the object. This aspect can be gone into during the course of trial.

17. I, therefore, pass the following order : -

A. The Bail Applications are allowed.

B. Applicants – Narottam Mohan Pawara, Vilas Dabanya Pawara, Mohan Luvarya Pawara, Dehlya Lotya Pawara, Dinesh Kurshya Pawara, Champa Sama Pawara, Ratilal Lotya Pawara, Tigan Beda Pawara, Ravya Sama Pawara and Khema Maharya Pawara, shall be released on bail in respect of Crime No. 167 of 2025 registered with Dhadgaon Police Station, Dist. Nandurbar for the offences punishable U/Sec. 103(1), 109, 332(A), 189(2), 190, 191(2), 191(3), 115(2), 352, 351(3) of BNS on condition of furnishing P. R. bond and S. B. of Rs.20,000/- (Rs. Twenty Thousand) each with one solvent surety each of like amount.

C. The applicants shall not tamper with prosecution evidence or contact with the prosecution witnesses.

D. The applicants shall be prohibited to enter Telkhadi, Shelbarapada, Tq. Dhadgaon, Dist. Nandurbar till commencement of the trial except applicant – Narottam Mohan Pawara in Bail Application No. 681 of 2026.

E. Applicant – Narottam Mohan Pawara in Bail Application No. 681 of 2026 shall report to the concerned Police Station on every Sunday between 10.00 am. and 3.00 pm. till commencement of the trial.

F. The applicants shall furnish their addresses and contact numbers to the Investigating Officer.

G. The applicants shall cooperate in expeditious disposal of trial.

H. The applicants shall surrender their Aadhar and Pan cards to the investigating officer.

(SHAILESH P. BRAHME, J.)

arp/-