

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE**  
**AT PAITHAN, DISTRICT AURANGABAD**

MHAU170005182026



**Cri. Bail Application No.118/2026**  
**Badrinath s/o Murlidhar Jadhav Vs.**  
**The State of Maharashtra**  
**Crime No. 197/2026, Offence U/sec.**  
**109 R/w 3(5) of BNS, Bidkin Police**  
**Station, Tq. Paithan,**  
**Dist. Chhatrapati Sambhajnagar.**

**ORDER BELOW EXH.01**

1. This is **second** bail application U/sec. 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, (for short 'BNSS') for grant of regular bail by applicant Badrinath Murlidhar Jadhav.
2. The investigating officer has opposed the application by filing his reply vide Exh.07 on the ground that the applicant/accused has assaulted the informant with intention to kill. There is possibility of commission of similar offence, if the applicant is granted bail. It is his further contention that there is possibility of tampering with prosecution witnesses and hampering of investigation, if the applicant is granted bail.
3. The informant has filed his Written Say at Exh.8 and opposed the application on various grounds.
4. Heard the learned counsel for the applicant and learned APP for the State. Perused the application, reply and copy of charge-sheet. The allegation levelled in the FIR is that on 19.03.2026, at 12.00 hours, Vivek Badrinath Jadhav, the son of applicant, abused

the son of informant under the influence of liquor. In the evening at about 6.00 to 6.30 p.m., while the informant Moti Jadhav was standing beside Adarsh Kirana Shop, son of applicant, upon the gesture of applicant, took Bollero Car bearing No. MH-16-AT-4719 at a high speed towards the informant and with intention to kill him gave dash and dragged him upto 70 to 80 feet and then ran away by leaving said Car on the spot. The informant sustained injuries all over his body and fractures of left and right thighs. The informant alleged that the applicant and his son attempted to kill him keeping in mind the quarrel which took place between the son of applicant with the son of informant in the morning.

5. It is well settled that while considering the grant or refusal of bail, the gravity of offence and severity of punishment needs to be looked into. Out of the alleged offences, offence under Section 109 of BNS (corresponding to Section 307 of IPC) is triable by Sessions Court and is punishable with imprisonment for life, if hurt is caused. It is also well settled that in such cases intention of the assailants are important rather than injury.

6. In the case in hand, the accusation against applicant is grave and the nature of offence is serious. The FIR itself shows that the applicant and his son (co-accused Vivek) fled away from the spot immediately after the incident. Not only this, the applicant not appearing to have reported the incident to the police. The injury certificate shows that the informant sustained in all 8 injuries and

out of these injuries, 5 injuries are grievous in nature. Thus, there is *prima facie* material on record against the applicant.

7. This being second application for bail, the applicant is required to show that there is change in circumstance entitling him to bail. In this regard, it is the submission of learned counsel for the applicant that since the charge-sheet has been filed, there is change in circumstance entitling the applicant to bail. I am not convinced with this submission simply for the reason that filing of charge sheet does not in any manner lessen the offence, on the contrary, filing of the charge sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge sheet for trial of the accused persons.

8. Considering the gravity of offence and severity of punishment and also the possibility of tampering with prosecution witnesses, I am not inclined to grant bail to the applicant though the investigation is over. In the result, I proceed to pass following order :-

**ORDER**

Application is rejected.

Dated : 03.07.2026

(R. D. Gadwe)  
Additional Sessions Judge,  
Paithan.