



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 ANTICIPATORY BAIL APPLICATION NO. 1190 OF 2026

1. Bharat Bhikan Birhade
2. Dipak Ramesh Birhade (Koli) Applicants

VERSUS

The State of Maharashtra Respondent

Mr. C. B. Chaudhari, Advocate for Applicants.
Ms. P. J. Bharad, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 8th SEPTEMBER, 2026.

PER COURT :

1. After hearing learned Counsel for both sides, when this Court has shown disinclination to grant relief to Applicant No. 2 – Dipak Ramesh Birhade (Koli), learned Counsel for Applicants, on instructions, seeks withdrawal of the application qua Applicant No. 2 – Dipak Ramesh Birhade (Koli).

2. Application stands dismissed qua Applicant No. 2 - Dipak Ramesh Birhade (Koli) as withdrawn.

3. Applicant No. 1 -Bharat Bhikan Birhade seeks pre-arrest bail in connection with Crime No. 0050/2026 registered with Dhule

Taluka police Station, District Dhule, for the offences punishable under Sections 109(2), 189(2), 191(2), 191(3), 190, 333, 351(2), 351(3), 352 of Bharatiya Nyaya Sanhita.

4. First Information Report shows that an incident had occurred on 01.02.2026 at about 7.00 pm in which injured Rohit was taken away from house and was assaulted. There is specific allegation against Applicant No. 2 - Dipak Ramesh Birhade of causing stab injury with knife to the injured.

5. Learned Counsel for Applicants submits that admittedly there is previous enmity between the parties which creates possibility of false/over implication. It is his submission that insofar as Applicant No. 1 is concerned, neither there is allegation that he was carrying any weapon nor there was any actual assault caused by him. He, therefore, seeks interim relief granted to Applicant No. 1 - Bharat Bhikan Birhade to be confirmed.

6. Learned APP opposed grant of any relief to the Applicant by contending that there are allegations against all the accused persons of taking away the injured and causing serious injury to him. To

support this submission, reference is made to the injury certificate indicating causing of stab injury to the informant.

7. Prima facie perusal of First Information Report indicates that there is no allegation against Applicant No. 1 of he being at the spot with any weapon or caused any assault on the injured. Perusal of injury certificate shows that stab injury is caused to the injured which is attributable not to Applicant No. 1 but to Applicant No. 2. There is nothing on record to show that Applicant Bharat has misused the liberty.

8. As a result of above discussion, it is a fit case to confirm the interim relief granted in favour of Applicant No. 1 Bharat Bhikan Birhade. Accordingly, interim relief granted in favour of Applicant No. 1 stands confirmed.

(R. M. JOSHI, J.)

dyb