



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**930 ANTICIPATORY BAIL APPLICATION NO. 224 OF 2025**

1. Shantaram S/o Dadapatil Wakchaure,  
Age: 50 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.
2. Babasaheb S/o Rambhau Wakchaure,  
Age: 45 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.
3. Sanjay S/o Vitthal Wakchaure,  
Age: 39 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.
4. Bhaurao S/o Baban Wakchaure,  
Age: 54 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.
5. Anil S/o Chandrabhan Wakchaure,  
Age: 39 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.
6. Tejas S/o Babasaheb Kanure,  
Age: 17 (Minor) yrs, Occ. - Education,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.
7. Pravin S/o Arun Wakchaure,  
Age: 30 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.
8. Yogesh S/o Devidas Wakchaure,  
Age: 36 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.
9. Bajarang S/o Sampat Ughade,  
Age: 30 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.
10. Santosh S/o Kakasaheb Wakchaure,  
Age: 31 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.

11. Ravindra S/o Valiba Wakchaure,  
Age: 36 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar.

12. Mangal S/o Sanjay Wakchaure,  
Age: 39 yrs, Occ. - Agriculture,  
R/o. Pimpalgaon Nipani, Tq. Akole, Dist. Ahmednagar. **...Applicants**

### **VERSUS**

The State of Maharashtra And Another

**....Respondents**

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Mr. V. D. Sapkal [Senior Advocate] a/w Ms. Priyanka Kale i/b Mr. Atharva  
Dilip Khedkar, Advocate for the Applicants  
Mr. B. B. Bhise, APP for Respondent Nos.1 and 2 – State  
Mr. K. N. Shermale, Advocate for the first Informant [assist to PP]

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**CORAM : NEERAJ P. DHOTE, J.**

**DATE : 09.09.2025**

### **PER COURT :**

1. This is an Application under Section 482 of the Bharatiya Nyaya Sanhita Act, 2023 [hereinafter referred to as 'BNS'] for Anticipatory Bail in Crime No.633/2024 registered with Akole Police Station, District Ahmednagar for the offence punishable under Sections 118(2), 118(1), 115(2), 352, 351(2) 351(3), 119(1), 324(4), 189(2), 191(2), 191(3), 190 and 126(2) of BNS.

2. Heard the learned Senior Advocate for the Applicants, learned APP for Respondent Nos.1 and 2 and the learned Advocate for the Informant.

3. The aforesaid Crime is registered on the report lodged by Dattatray Karbhari Gorde, who was working as Gramsuraksha Yantrana Suraksha Sanchalak at Pimpalgaon Nipani, Taluka Akole, District

Ahilyanagar. It is the case of the Prosecution that, the Informant is a Social Worker and he had lodged the Complaint with the Divisional Commissioner, Nashik against the Applicants in respect of illegal excavation of stones. Due to the said Complaint, the Applicants and the co-accused assaulted the Informant by use of stones, sticks and rods on 10/12/2024, when the Informant had gone to the field Gat No.196 for inspection of mines. Due to the assault, the Informant was hospitalized. On his statement, the above-referred Crime came to be registered against twenty one [21] accused persons, including the present Applicants.

4. Learned Senior Advocate for the Applicants invited my attention to a detailed order dated 14/02/2025 passed by this Court protecting the Applicants by way of an interim order. He submits that, after hearing all the sides and considering the papers made available by the Prosecution, this Court had passed the said interim order. He further submits that, the omnibus allegations are made against all the Applicants and the injuries suffered by the first Informant do not corroborate with the Informant's version. He further submits that, the injuries suffered by the first Informant were the result of an assault by the villagers, due to molestation by the first Informant of the wife of the Applicant No.5. He submits that, some of the FIR named Accused have surrendered before the Police Station and they are released on Regular Bail and the co-accused, who were subsequently named in the supplementary statement, are protected by the learned Additional Sessions Judge. He submits that, the investigation can be completed without custodial interrogation of the Applicants and therefore, the interim protection be confirmed.

5. The Application is opposed by the learned APP. He made available the police papers to show the nature of injuries suffered by the first Informant.

6. The Application is vehemently opposed by the learned Advocate appearing for the Informant. He submits that, the another FIR, which is lodged by the wife of Applicant No.5, is a false FIR as it is clear from the papers on record. There is a delay of two [02] days in lodging the said FIR by the wife of Applicant No.5, which itself goes to show that, as the counterblast, the said false FIR is lodged. He submits that, the Applicants cannot claim parity with the co-accused, who are granted Anticipatory Bail by the learned Sessions Court as they were not named in the FIR and the Applicants are named in the FIR. He submits that, the powers of Anticipatory Bail are to be exercised sparingly and in the case at hand, there is prima facie case against the Applicants and they assaulted the Informant, which is corroborated by the medical papers. He submits that, the vehicle of the Informant was also damaged by the Applicants and the Applicants have terror in the area and they will trouble the Informant. He submits that, the Application be rejected. In support of his submissions, he relied on the Judgments of the Hon'ble Supreme Court of India in **Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav Vs. The State of Maharashtra and Another ; 2025 INSC 878** and **Adri Dharan Das Vs. State of West Bengal ; (2005) AIR (SC) 1057**.

7. There can be no dispute on the aspects of the principles laid down in the above-referred Judgments that, merely the investigation is possible without custodial interrogation, cannot be the ground to grant Anticipatory Bail and when a grave prima facie case is made out, the Application for Anticipatory Bail is required to be rejected.

8. Perused the papers on record. Undisputedly, the Applicants, who are twelve [12] in number, are named in the report lodged by the Informant. The Crime was initially registered against

twenty [20] FIR named Accused persons, including the Applicants and subsequently, the other co-accused were named in the supplementary statement. The FIR attributes the role of assault on the Informant by all the Accused persons i.e. twenty [20] in number, who are named in the FIR. It is clear that, the role attributed to all the FIR named Accused persons is that of assault by fist blows, stick, iron rod etc. The medical certificate of the first Informant shows that, the Informant suffered injuries on the face and other parts of body and only the injury on the nasal bone is shown to be the grievous injury. This Court granted the protection to the Applicants after considering all the aspects of the matter and after hearing all the sides. Though the co-accused, who are granted interim bail by the learned Sessions Judge, are not named in the FIR, it would be the matter of trial as to who assaulted and in what manner. From the FIR, it is clear that, omnibus role of assault is attributed to all the Accused persons. There is merit in the submission of the learned Senior Advocate for the Applicants that, the version of assault in the FIR is not corroborated by the medical certificate. In light of the above observations in my considered view, the interim order dated 14/02/2025 deserves to be confirmed. Hence, the following order :

**ORDER**

- [I] Interim Order dated 14/02/2025 is confirmed.
- [II] Anticipatory Bail Application stands disposed of accordingly.

**[NEERAJ P. DHOTE, J.]**

Sameer/September-2025