



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

ANTICIPATORY BAIL APPLICATION NO. 443 OF 2025

GURMEETSINGH GOBINDRSINGH DAROGA

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Gangakhedkar Shailendra S

APP for Respondent/State : Mr. K.N. Lokhande

...
CORAM : MEHROZ K. PATHAN, J.

DATE : 3rd NOVEMBER 2025

PER COURT :

1. The Applicant has approached this Court seeking Anticipatory Bail in Crime No.431/2024 registered on 23.12.2024 with Loha Police Station, District Nanded for the offences punishable under Sections 105, 288 read with 3(5) of Bharatiya Nyay Sanhita, 2023 and Sections 9(B)(1)(B) and 9 (B)(3)(C) of Explosive Substances Act, 1884 and Sections 3 and 4 of Explosive Substance Act, 1908.

2. It is the submission of the learned Counsel for the Applicant that this Court while issuing notices vide order dated 19.03.2025 has directed the Applicant to attend the police station by releasing him by way of interim order. The Counsel for the Applicant states that the Applicant is merely the owner of the land on which the work of digging a well was being carried out by a contractor engaged by the

Applicant after he purchased the land. The Applicant was not even present on the date of incident at the spot and was working with Sachkhand Gurudwara Nanded and as such the villagers who were opposing the purchase of the land by the Applicant, had falsely made an attempt to implicate the present Applicant.

3. The Counsel for the Applicant Mr. Gangakhedkar further submits that the Applicant has employed the contractor namely Sushilkumar Dhavale to dig the well, as he had been operating in the area and was known for digging the well. The contractor Mr. Sushilkumar Dhavale has already been arrested by the police authorities and have been released on regular bail by the order passed by this Court dated 06.03.2025.

4. It is his further submission that other two accused persons were Shaikh Shahrukh and Shardul Shaikh. Shaikh Shahrukh was also arrested, being employee with the contractor who has actually dumped those explosive in the field owned by the husband of the complainant and released on bail. The another accused namely Shardul Shaikh was also granted anticipatory bail by the learned Sessions Court, Kandhar vide order dated 08.01.2025.

5. It is therefore the submission, that the present Applicant, who was not even present on the date of incident at the spot, may also be released on bail in these circumstances, as he has cooperated with the investigation as directed by this Court to attend the

Investigating Officer. It is his submission that nothing remains to be recovered at his instance and as such the custodial interrogation may not be necessary. He therefore prays for confirming the ad-interim order dated 19.03.2025.

6. As against this, Mr. Lokhande learned APP for the State, vehemently opposes the present application on the ground that the Applicant was aware that the land where the explosive were deposited by digging the earth, was belonging to the deceased husband of the complainant. It is his submission that the Applicant ought to have deposited such explosive, if any, in his own land and not in the land of the deceased. Further investigation is yet to be carried out and, as such, the grant of pre-arrest bail to the Applicant may hamper the prosecution, especially since the charge-sheet is yet to be filed.

7. I have gone through the entire record and the bail orders passed by the learned Sessions Judge as well as by this Court vide order dated 06.03.2025. I have also perused the interim order dated 19.03.2025 passed by this Court. It is seen from the record that the allegation in the First Information Report is that, while digging the well, the contractor buried explosive material in the neighboring land owned by the husband of the deceased. The husband of the informant is alleged to have had a habit of smoking *beedis*, and the complainant herself has raised a suspicion that due to the spark from a *beedi*, the explosive substance may have exploded, resulting in the

death of the informant's husband on the spot.

8. Be that as it may, the Applicant happens to be only the land owner of the adjacent field who had engaged the contractor to dig the well for carrying out the agricultural operation in his own field. The incident unfortunately have occurred due to the actions of the contractor and his employees who were already arrested by the police authorities and were released on regular bail.

9. The crime seems to have been registered against four known persons and two unknown persons. The only role attributed to the Applicant is that he is the owner of the adjacent land to that of the deceased husband of the complainant. As regards possession of explosive substance, the same can be attributed to the contractor. However at this stage, the observations are merely prima facie in nature. Looking to the nature of the allegations as against the present Applicant, I am inclined to grant the anticipatory bail. The apprehension of the learned APP, can very well be taken care of by imposing certain conditions while granting bail. Hence the following order :

ORDER

(a) The interim order dated 19.03.2025 is hereby confirmed with the only modification that now the Applicant will have to remain present before the Investigating Officer, as and when called by the Investigating Officer till the time of filing of the charge-sheet.

(b) The Applicant shall not tamper with the evidence or issue threats to the prosecution witnesses.

(c) The application stands disposed of.

MEHROZ K. PATHAN
JUDGE

NATJEEB..