



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

ANTICIPATORY BAIL APPLICATION NO. 760 OF 2025

1. RAJESH S/O HARIPRASAD DARAK
2. AKASH S/O RAJESH DARAK

**VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER  
WITH  
CRIMINAL APPLICATION NO. 3493 OF 2025  
IN ABA/760/2025

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Advocate for Applicants : Mr. Suryawanshi Govind G.

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

Advocate for Applicant in Cri. Appln.3493/2025 : Mr. Deshmukh Ashish

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

**Dated : 7<sup>th</sup> November 2025**

**PER COURT :**

1. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.109/2025 registered with Ardhapur Police Station, District Nanded for the offences punishable under Sections 118(1), 118(2), 189(2), 191(2), 191(3), 115(2), 352, 351(2), and 351(3) of Bharatiya Nyaya Sanhita Act, 2023.

2. Learned Counsel for the Applicants submits that the incident dated 14.02.2025, there was a family dispute regarding the right of way in relation to the partition of the ancestral property, and as such, the families of both the complainant and the Applicants had a scuffle on the date of the incident at about 12:30 pm. It is the

submission of the Counsel for the Applicants that the injured witnesses have received minor injuries and it is nothing to be recovered at the instance of the Applicants. The Applicant No.2/Akash is a Professor at an Engineering College, whereas Applicant No.1, Rajesh, has suffered a heart attack. There are no criminal antecedents and that the Applicants are ready to cooperate with the investigation. Hence the custodial interrogation of the Applicants may not be necessary.

3. As this Court was not inclined to grant anticipatory bail to Applicant No.2/Akash, the learned Counsel for the Applicants seeks permission to withdraw the application insofar as Applicant No.2/Akash is concerned.

4. As against this, the learned APP has produced the investigation papers to show that the assault was brutal, which led to grievous injuries sustained by the complainant Sumit. The other injured witnesses, Sarla and Kartik, also sustained injuries attributable to both Rajesh and Akash. It is submitted that the Applicants are residents of the same village, and there is every likelihood that the Applicants may again commit a cognizable offence, hence, the application may be rejected.

5. Learned Counsel for the complainant assisting the prosecution, adopts the arguments of the learned APP and vehemently opposes the application on the ground that there is a family dispute over the ancestral land as regards the partition of the

property and as such the Applicants may again commit some cognizable offences against the complainant or his family members. Looking to the gravity of the offences, the Applicants may not be released on bail.

6. I have gone through the investigation papers and the FIR as well as the statements recorded during the course of investigation. The statements of the first informant, Sumit, and the other witnesses show that there is no clarity regarding the assault by Rajesh allegedly inflicted upon the complainant, Sumit. As reflected in the investigation papers, it was Akash who caused the grievous injuries to the complainant, and as such, I am not inclined to grant bail to Applicant No.2/Akash. The application, therefore, now stands withdrawn.

7. However looking to the nature of allegation as against Applicant No.1/Rajesh who is father of Akash, I am inclined to grant anticipatory bail to Applicant No.1/Rajesh. Hence following order :

**ORDER**

(i) In the event of arrest of the Applicant No.1 – Rajesh Hariprasad Darak, be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousands) with one solvent surety in the like amount, in connection with Crime No.109/2025 registered at Ardhapur Police Station, District Nanded, on the following conditions :

(a) The Applicant No.1/ Rajesh Hariprasad Darak is directed to

attend the concerned police station and report to the Investigating Officer between 10:30 a.m. to 12:30 p.m. on every Monday and Tuesday, and as and when called, until the filing of the charge-sheet.

(b) The Applicant No.1/ Rajesh Hariprasad Darak shall not enter the village Kondhar till the framing of the charge.

(c) The Applicant No.1/ Rajesh Hariprasad Darak shall also cooperate with the investigation and produce all relevant documents as may be sought by the Investigating Officer for the purpose of completing the investigation.

(d) The Applicant No.1/ Rajesh Hariprasad Darak shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(e) The Applicant No.1/ Rajesh Hariprasad Darak shall furnish his residential address, contact number and copies of his Aadhaar / PAN Cards to the Investigating Officer, and shall also provide the names, addresses, and contact numbers of his close relatives for the purpose of record and verification.

(ii) The application is allowed in the above terms to the extent of Applicant No.1/ Rajesh Hariprasad Darak only.

(iii) The application stands disposed of as withdrawn to the extent of Applicant No.2/Akash Rajesh Darak.

(iv) The application assisting the prosecution, also stands disposed of.

[ MEHROZ K. PATHAN ]  
JUDGE