



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 ANTICIPATORY BAIL APPLICATION NO. 910 OF 2025

Govind Tulshiram Gandhaphule

VERSUS

The State Of Maharashtra

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Mr. Ashok D. Raut – Advocate for Applicant

Mr. R.B. Dhaware – APP for Respondent, State

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CORAM : SANJAY A. DESHMUKH, J.
(VACATION COURT)

DATED : 02nd JUNE, 2025

PER COURT :-

1. Heard.
2. This is an application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNS, 2023'*) for grant of anticipatory bail in connection with Crime No.164 of 2024, registered with Biloli Police Station, Biloli, Tq. Biloli, Dist. Nanded for the offences punishable under Sections 118(1), 119(1), 115(2), 352, 351(2) and (3) read with 3(5) of the BNS, 2023.
3. The informant has averred in the report dated 18.07.2024 that he is having agricultural land at Anjani, Tq. Biloli, Dist. Nanded bearing plot No.529. There is *gairan* land

adjacent to the said agricultural land. The applicant was claiming that he is owner of it. On 16.07.2024 there was festival of Moharam in the village. He and his servant Vikas Dongare and he went to the village Anjani. He was informed by one Bapurao Majage that the applicant and his two sons Vaibhav and Vaishnav had came there and they were saying, not to use the place for tying the animals there. The informant went to Datta Mandir at village Anjani that time the applicant and his two sons were expelling the animals of the informant from that place. They were quarreling with Govind Majage when informant and Vikas Dongare went to rescue, the applicant caught hold the collar of the informant and started beating him. The informant tried to convince him not to beat him that time he said that why are you using the place for tying the animals. The informant told him that, the land is neither of the applicant nor of the informant, therefore he is tying his animals there. Thereafter the applicant and his two sons came on his person alongwith stones in the hand and assaulted the informant's right wrist, backside of the head, stomach and left thigh in that instance the informant's gold ring and gold chain of 7 gm and one and half tolas respectively were taken by the applicant and his two sons. That time the

applicant and his sons abused and beat by the stones to Vikas Dongare who sustained injury on his waist and Govind Majage who also sustained the injury to his left thigh and his waist. That time other villagers came there and rescued them that time applicant and his two sons threatened to cut them into pieces if they come there again, therefore the report was lodged.

4. Learned Counsel for applicant pointed out the report lodged by applicant on the date of incident itself. He pointed out that, the applicant sustained serious injuries on his head, left knee and both the hands. He submitted that, the applicant is discharged after ten (10) days from the hospital. He submits that, the custodial interrogation is not necessary. The applicant is falsely implicated in the crime. There is delay of two days in lodging the report. It is lodged afterthought only in order to take revenge. He submitted that, weapon (stick) has been seized from the spot of incidence. The custody of the applicant is not necessary for the further investigation.

5. Learned A.P.P. for the respondent – State opposed the application and submitted that, there is a counter report submitted about one and same incident which shows that,

incident took place and the sons of the applicant were also involved in the same crime. The gold chain and gold ring is to be recovered at instance of applicant. He submitted that, the application cannot be allowed as the custodial interrogation of the applicant is necessary.

6. Perused the report and papers of the investigation, the injury certificate and the report of applicant. He has registered the report as soon as the incident took place and crime was registered against informant. The discharge certificate shows that, serious injuries were sustained to applicant and he was admitted therefore in the hospital for ten (10) days.

7. Considering the nature of crime the custody of the applicant is not necessary for further investigation. Therefore, it would be proper to grant relief of pre arrest bail. The application therefore deserves to be allowed. Hence, following order :-

ORDER

- I. The application is allowed.
- II. In the event of arrest of the applicant in

Crime No.164 of 2024 registered with Biloli Police Station, Biloli, Tq. Biloli, Dist. Nanded, the applicant be released on bail on execution of personal bond of Rs.25,000/- (rupees Twenty Five Thousands only) with surety of the like amount on the following conditions :

- (a) The applicant shall not pressurize the prosecution witnesses, in any manner.
- (b) The applicant shall not tamper with the prosecution evidence, in any manner.
- (c) The applicant shall not indulge in similar activities again.
- (d) The applicant is directed to remain present before the investigating officer as and when required.

(SANJAY A. DESHMUKH, J.)