



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 BAIL APPLICATION NO. 1031 OF 2025
WITH
CRIMINAL APPLICATION NO. 2205 OF 2025 IN BA/1031/2025

DIPAK SAKHARAM SABLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Gore Ravindra Vitthal
APP for Respondent/State : Mr. N.D. Batule
Advocate for assisting APP : Mr. Pathan Sartaj Khan H.
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 11/07/2025

P.C. :

1. Criminal Application No. 2205/2025 filed for assisting APP is allowed and disposed of and Mr. Pathan Sartaj Khan H. is allowed to assist the learned APP.
2. Heard the learned counsel for the applicant, the learned APP for respondent-State, and Mr. Pathan Sartaj Khan H., learned advocate assisting APP.
3. The applicants are seeking bail as they were arrested in connection with Crime No. 99/2025 dated 6.3.2025 registered with Chikalthana Police Station, Tq. & Dist. Chh. Sambhajinagar for the offence punishable under sections 109, 118(1), 3(5) of B.N.S. 2023.
4. After arguing the matter, the learned counsel for the applicants restricted his claim to applicant No. 2 – Aadesh Dipak Sable and on instruction, seeks withdrawal of the application of applicant No. 1 – Dipak Sakharam Sable.
5. The learned counsel for the applicants submits that applicant No. 2

was arrested on 6.3.2025. In respect of alleged incident dated 4.3.2024, the FIR was lodged on 6.3.2025. In the FIR it is stated that there is civil dispute pending between the applicants and informant and they are interse relatives. Applicant Aadesh is the cousin of informant. On account of civil dispute, assault has been made on the informant. In the FIR it is stated that applicant Nos. 1 and 2 and one juvenile accused have assaulted on informant and his father by means of dangerous weapon. Due to assault, both informant and his father sustained grievous injuries on their head. Therefore, crime is registered for aforesaid offences against the applicant and other accused.

6. The learned counsel for the applicants submits that the incident happened due to civil dispute and in spur of movement. Investigation is completed. Chargesheet is also filed. Recovery is made at the instance of applicant No. 1. The learned counsel submits that there is discrepancy in the version of informant as regards weapon used in this crime. The learned counsel submits that in the FIR, informant has stated that iron rod was used during the incident, however, in the supplementary statement, informant has stated that stick was used. The learned counsel submits that there is no recovery at the instance of the applicant No. 2, applicant is young boy and there are no antecedents. The learned counsel therefore prays to release the applicant No. 2 on regular bail.

7. The learned APP as well as the learned counsel assisting APP strongly opposed the application of applicant No. 2 on the ground that there are clear allegations against the applicant No. 2 that he has assaulted the informant on his head and all the accused have assaulted informant on face, hand and back also. The learned APP as well as the learned counsel

appointed for respondent No. 2 submit that considering the nature of injury, which is grievous and on the vital part of the body of the informant, bail cannot be granted to the applicants.

8. Considered the rival submissions and papers of investigation. Prima facie, it appears that there is doubt as regards which weapon used and only after trial, it can be ascertained that whether iron rod or sticks is used while committing crime. There is civil dispute pending between the parties. Parties are interse relatives and there is no recovery at the instance of applicant No. 2 although he was subjected to interrogation and investigation. There are also no antecedents against the applicant No. 2. He is the young boy of 20 years. The trial will not conclude in near future and no purpose would be served by keeping the applicant No. 2 behind bars. Considering the nature of offence, civil dispute pending between the parties, possibility of false implication of all family members of applicants cannot be ruled out. Considering the available evidence on record, I hold that bail can be granted to applicant No. 2.

9. In view of the above, the application of applicant No. 1 – Dipak Sakharam Sable is dismissed as withdrawn.

10. The application of applicant No. 2 – Aadesh Dipak Sable is allowed in the following terms :

a] The applicant No. 2 shall be released on bail in connection with Crime No. 99/2025 dated 6.3.2025 registered with Chikalthana Police Station, Tq. & Dist. Chh. Sambhajinagar for the offence punishable under sections 109, 118(1), 3(5) of B.N.S. 2023, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant No.2 shall not enter the jurisdiction of Chikalthana Police Station, Ch. Sambhajinagar during pendency of the trial.

c] The applicant No.2, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

d] The applicant No.2 shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

e] The applicant No.2 shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant No.2, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

11. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant No. 2 shall be liable to be cancelled.

12. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/