

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

40 ANTICIPATORY BAIL APPLICATION NO. 1000 OF 2025

Pawan Sanjay Rajput

VERSUS

The State Of Maharashtra And Another

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Mr. Majid Shaikh h/f Mr. Yogesh G. Birajdar and Mr. S. A. Gawande -
Advocate for Applicant
Mr. N. D. Batule - APP for State

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CORAM : NEERAJ P DHOTE, J.

DATED : 08TH SEPTEMBER, 2025

PER COURT : -

1. Heard learned Advocate for the Applicant and the learned APP for the State. Perused the papers on record.

2. As the Applicant is apprehending arrest in Crime No. 0128 of 2025 registered with Vaijapur Police Station for the offence punishable under Sections 109, 118(1), 352, 351(1), 351(2) r/w 3(5) of the Bharatiya Nyay Sanhita, 2023, this Application is filed under Section 482(1) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

3. The above referred Crime is registered on the report lodged by one Suraj Babasaheb Bhagat. According to him, he was working as a Peon in the office of Nagar Parishad, Vaijapur. He is assigned with the duty to switch on and switch off the street lights. Since he was injured

due to fall, he take assistance of his friend, namely, Tushar Anil Pathare to do his said work. On 14.03.2025, when the informant along with his said friend Tushar Pathare, was on duty and reached near Veerbhadra Temple, Vaijapur, around 04:00 p.m., the Applicant and Co-accused assaulted him, due to which he suffered injuries. The assaulter fled away. As the incident was reported to the Police Station, the above referred Crime came to be registered against the Applicant and the Co-accused.

4. According to the learned Advocate for the Applicant, the false FIR was registered as the counterblast to the report lodged by the Applicant against the informant, on 03.03.2025 for the offence punishable under Sections 118(1), 115(2), 351(2), 352 r/w 3(5) of the Bharatiya Nyay Sanhita, 2023, with Vaijapur Police Station, bearing Crime No. 0105 of 2025. There is exaggeration of the role attributed to the Applicant in the FIR. The Injury Certificate does not corroborate the accusations of assault by the Applicant with Sickie. The Applicant is not convicted in any other previous offence. The Applicant is ready to cooperate with the Investigating Machinery. The co-accused by name, Prashant Rajput and Shubham Rajput are protected by order dated 1st August, 2025 passed in Anticipatory Bail Application No. 624 of 2025. Therefore, the Application be allowed.

5. According to the learned APP, the Applicant used Sickle in the assault on the informant. There is Injury Certificate of the informant to show that the informant suffered simple injury by hard and blunt object. There are about five body offences registered against the Applicant, which show that the Applicant is having criminal background. Considering the nature of offence, the Application be rejected.

6. Perused the papers made available by the learned APP. The FIR registered against the informant at the instance of the present applicant dated 03.03.2025 and the present FIR registered against the Applicant go to show that, there is enmity between the informant and the Applicant. As regards the incident of assault on the informant dated 14.03.2025 is concerned, there is immediate reporting to the Police which culminated in the registration of the said crime No. 0128 of 2025 against the Applicant and the co-accused. The role attributed to the Applicant is the assault by use of *Koyta* (Sickle) on the hand of the informant. The Police Papers show that, there is Injury Certificate of the informant. Whether the said injury was caused by use of sickle or not, is a matter of trial. The role attributed to the co-accused is different than the role attributed to the Applicant. Therefore, the protection to the said co-accused will not be of any assistance to the Applicant. The report from the concerned Police Station, made available for the perusal of this Court shows that, the following offences are registered with Vaijapur

Police Station against the Applicant.

[i] C.R. No. 556/2023, for the offences punishable under Sections 324, 323, 504, 506 r/w 34 of the IPC.

[ii] C.R. No. 30/2024, for the offence punishable under Section 160 of IPC.

[iii] C.R. No. 6 of 2025, for the offence punishable under Sections 118(1), 115(2), 352, 125, 324(4) of Bharatiya Nyay Sanhita, 2023 r/w Section 4 and 25 of the Arms Act and 3(2)(va), 3(1)(s), 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

[iv] C.R. No. 128 of 2025, for the offence punishable under Sections 109, 118(1), 352, 351(2), 351(3) r/w 3(5) of the Bharatiya Nyay Sanhita, 2023.

7. Considering the nature of offence and the role attributed to the Applicant, in my considered view, this is not a fit case to exercise the powers under Section 482 of the Bharatiya Nyay Sanhita, 2023, to grant anticipatory bail to the Applicant. Hence, I pass the following order:

ORDER

[i] The Application is rejected.

**[NEERAJ P. DHOTE]
JUDGE**

SG Punde