



{1}

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

ANTICIPATORY BAIL APPLICATION NO. 1031 OF 2025

1. Somnath S/o. Rajaram Ghitalkar
 2. Sushant @ Bhausahab
S/o. Raosaheb Chitalkar
- Applicants

Versus

The State of Maharashtra
Through Police Inspector,
Ahmednagar Taluka Police Station
Dist. Ahmednagar.

.... Respondent

.....
Mr. N.S. Salunke, Advocate for Applicant
Mr. N.D. Batule, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 19 AUGUST, 2025

PRONOUNCED ON : 22 AUGUST, 2025

PER COURT :-

1. Applicants seek anticipatory bail in connection with crime bearing no.0910 of 2024 registered with 189(2), 191(2), 191(3), 115, 352, 351(2), 351(3), 74, 118(1), 324(4) of the Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel for the applicant submits that the applicant and the complainant are immediate neighbours. That, on account of the erection of a pole on 22/12/2024, accused Rama Kisan Jagtap

{2}

initially allegedly called his wife, who in turn allegedly called the present applicants and others. That, there are allegations of the use of a chain and an iron rod in assaulting the informant's husband, son, and other relatives. That, there is false implication. That, whatever was to be recovered has already been recovered. That, the injuries allegedly sustained by the informant and his relatives are simple in nature. That, nothing is to be recovered or discovered from the applicants. For all the aforesaid reasons, learned counsel seeks relief of anticipatory bail.

3. Learned APP strongly opposed the application by taking this Court through the FIR and submitted that the present applicants, on being called over the telephone, had come with articles such as a chain and a rod and mounted the assault using the said weapons. Learned APP also took this Court through the medical papers and submitted that Bashir Abdul Shakoor Shaikh had suffered grievous injuries i.e. fracture of the ulna and fracture of the fifth metatarsal bone. He submitted that, for effective investigation, custodial interrogation of the applicant is necessary. For all above reasons, learned APP prays for rejection of the application.

{3}

4. Heard. FIR dated 23.12.2024. Informant, Minaj, has stated that she resides with her family and that Rama Kisan Jagtap is their neighbour. She reported that on 22.12.2024, her husband and son were erecting a pole in the field when Rama Kisan Jagtap arrived and questioned her son. It is alleged that he then called his wife, Jaya, who also questioned the erection of the pole. Thereafter, Jaya made a telephone call, upon which, her son Sarang, son-in-law Shivahari Bhochre, Somnath (present applicant), Sushant Chitalkar (present applicant), Somnath Bhalsingh, Vikas Bhairavnath, and Priti Shivahari Bhochre arrived at the spot. It is further alleged that Somnath assaulted the informant's husband with a chain and an iron rod. It is further alleged that Somnath, along with Sarang, assaulted her son Saddam, causing injuries to his head and other parts of the body. Assaults were also allegedly committed on Bashir and Ahmed. It is further alleged that the accused persons Rama Jagtap, Jaya, Sarang, and Shivahari manhandled her and outraged her modesty. With these allegations, above crime has been registered.

5. Police papers show that articles such as cycle chain and axe have been produced by the accused Ramdas. Thus, the recovery of the alleged weapons has already been effected. On visiting the medical certificates, it is emerging that, except Bashir, all others have

{4}

sustained simple injuries. The CT scan and X-ray reports have been found to be normal. In light of the above, when the weapons allegedly used in the offence have already been recovered, further investigation can be carried out by securing the presence of the applicants. Therefore, application deserves to be allowed. Hence, I proceed to pass the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicants in connection with 189(2), 191(2), 191(3), 115, 352, 351(2), 351(3), 74, 118(1), 324(4) of the Bharatiya Nyaya Sanhita, they shall be released on executing P.B. and S.B. of Rs.15,000/- each with one surety each in the like amount.
- (iii) The applicants shall attend the concerned Police Station as and when called by the Investigating Officer, till filing of the charge-sheet and shall co-operate in the investigation.
- (v) The applicants shall not tamper the prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**