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

944 ANTICIPATORY BAIL APPLICATION NO. 1040 OF 2025

Bibhishan Dnyanoba Kolekar

VERSUS

The State Of Maharashtra And Another

WITH

CRIMINAL APPLICATION NO. 2222 OF 2025

IN ABA/1040/2025

Sunita Dattu Survase

VERSUS

Bibhishan Dnyanoba Kolekar And Others

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Mr P. A. Bhosle, Advocate h/f Mr Hazari Ashish Satish, Advocate for
Applicant in ABA/1040/2025

Mr S. B. Narwade, APP for respondents/State.

Mr Pathan Sartaj Khan H., Advocate for Applicant in Cri. Appln
No.2222/2025

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CORAM : ADVAIT M. SETHNA, J.

DATE : 23 JULY 2025

P. C. :

1. Heard the learned Advocates for the parties.
2. The Application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as the Applicant in Anticipatory Bail Application No.1040/2025 apprehends arrest. The proceedings relate to Crime No.0168/2025. The FIR is dated 08 May

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2025 at 01:15 hours registered by the Washi Police Station, District Dharashiv. The offences alleged are under Sections 352, 351(3), 351(2), 191(3), 191(2), 190, 189(2), 118(1), 115(2) and 109 of the Bharatiya Nyaya Sanhita, 2023. Occurrence of the offences shown to be on 03 May 2025. The informant is one Sunita Dattu Survase aged 55 years. There are eleven accused persons, whose names are in the FIR, out of which accused No.4 is the present Applicant before this Court.

3. With the assistance of learned Advocate for the Applicant and learned APP Mr Narwade, I have perused the FIR and the record available with the Court including the investigation papers/case diary. From the perusal of the FIR, it appears that the incident relates to 03 May 2025 at about 10:00 a.m.. It appears that at about 2:30 p.m., when the informant's son Samadhan was drawing milk of cow, one of the co-accused, resident of village Sonegaon driven his Tractor with hoarse noise by the side road of the cattle shed, by which cow just became disorder and jumped, which heated to his knee. In such background, a quarrel broke out between the informant and the Applicants named in the FIR.

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4. As far as the present Applicant is concerned, his role is that he used a iron rod to inflict injuries on the head of the informant. However, it appears that the present Applicant was not at the place i.e. at Sonegaon where the alleged incident has been reported to be taken place. The Investigating Officer Mr Shriniwas Vishnudas Sawant (A.P.I.) of Police Station Washi, Dist. Dharashiv, who is present in the Court would confirm that present Applicant was found in Chhatrapati Sambhajanagar on the said date at about 22:35 hours. This would substantiate the contentions of the learned Advocate for the Applicant that the Applicant was not present at Sonegaon which is at distance 190 kms. from Chhatrapati Sambhajanagar. Further, it may also be noted that the FIR is lodged on 08 May 2025 at about 1:15 hours whereas the alleged incident is of 03 May 2025. Apparently, there is substantial delay in lodging the FIR which is not explained. The Applicant has no criminal antecedents. Also, in the given factual complexion, the ingredients of the alleged offences in the FIR qua the Applicant do not appear to be attracted at this stage.

5. Mr Narwade, learned APP would strongly oppose the Anticipatory Bail and submit that the custodial interrogation of the Applicant is required.

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6. In my view, for the reasons noted above, the Applicant has made out prima facie case. Considering the factual matrix, no purpose would serve in custodial interrogation of the Applicant. The Applicant undertakes to fully cooperate with the investigation.

In view of the above, I pass the following order:

O R D E R

- (i) In the event of arrest of the Applicant in connection with C.R. No.0168/2025 registered with Washi Police Station, District Dharashiv, for the offences punishable under Sections 352, 351(3), 351(2), 191(3), 191(2), 190, 189(2), 118(1), 115(2) and 109 of the Bharatiya Nyaya Sanhita, 2023, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) with one or more sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when directed/called for, until the further orders and shall cooperate with the investigation.
- (iii) The Applicant shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned Police Station. If there is any change in the contact details, the same shall be immediately informed to the concerned Police Station.
- (iv) The Applicant shall not leave the jurisdiction of the competent Court without prior permission, until further orders.

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- (v) He shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

7. Needless to mention that the observations made in this order are *prima facie* for adjudication of this Anticipatory Bail Application.

8. ABA is allowed in the above terms.

9. Criminal Application No.2222/2025 filed on behalf of the informant to Assist the learned Public Prosecutor would not survive and the same is disposed of.

[ADVAIT M. SETHNA, J.]

sjk