



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1102 OF 2025

Mithun Bhausahab Shirsat

... Applicant

Versus

The State of Maharashtra and Another.

... Respondents.

WITH

CRIMINAL APPLICATION NO. 3043 OF 2025
IN ABA/1102/2025

Sharad Bhausingh Rathod

... Applicant

Versus

The State of Maharashtra and Ors.

... Respondents

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Mr. V. D. Sapkal, Senior Counsel a/w. Mr. S. A. Jadhav i/b. Mr. A. D. Khedkar, Advocate for Applicant in ABA/1102/2025.

Mr. C. V . Bhadane, APP for Respondent Nos.1 and 2 – State.

Ms. Siddhi Kothari h/f. Mr. Akshay P. Lohade, Advocate for Applicant (Assist to APP) in APPLN/3043/2025.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 AUGUST 2025

PRONOUNCED ON : 20 AUGUST 2025

ORDER :

1. Apprehending arrest in Crime No.0147 of 2025 registered with Satara police station, Dist. Chhatrapati Sambhajinagar for the offences punishable under sections 61(2), 109, 115(2), 118(1), 127(2), 140(1), 310(2) read with section 3(5) of Bharatiya Nyaya Sanhita and under section 3(25) of Arms act, present application for pre-arrest bail is pressed into service.

2. Criminal Application No.3043 of 2025 is allowed. The original complainant is permitted to assist the learned A.P.P.

3. Learned Senior Counsel pointed out that, present applicant is shown as accused no.2. That, main allegations are against non applicant Sandip and present applicant being his brother, there is false implication. Learned Senior Counsel took this court through the FIR and would submit that, allegations are levelled against almost 10 to 15 persons for assault by means of slaps, belt and rod etc. He would point out that, seven accused are already granted relief of bail. That, no specific overt act or specific role is attributed to present applicant. Learned Senior Counsel pointed out that even section impleaded in this crime are misplaced. According to him, at the most, case could be made out for confinement. However, such charge is alsoailable. That, now investigation is over and charge sheet is filed, no further recovery or discovery is to be made and applicant is in Government service, action of arrest would have adverse impact and for all above reasons, relief of anticipatory bail is urged for.

4. Both, learned APP as well as learned counsel for complainant have strongly opposed by pointing out that present applicant is police head constable. That, there is attempt to misuse position. That, applicant

is named. That, his role is also crystallized. That, moreover gold chain of complainant is yet to be recovered. For such reasons, anticipatory bail is opposed.

5. After hearing each of the side and on going through the FIR, it is emerging that, crime is registered against five persons, who are named and one are unknown person. Substance of the complaint is that, complainant is a contractor. He is acquainted with one Abhijit Barde since five to six years and as Abhijit had family problems on account of losing his father and his mother having re-married, Abhijit came to work and reside with him. He further reported that, he knew one Sandip Sirsath since childhood, who was a property dealer. Abhijit used to help Sandip, but as he was not taken care, Abhijit left his company and came to complainant. Precisely it is alleged that, due to it, Sandip was annoyed with complainant as well as Abhijit. In above backdrop, it is alleged that on 06.04.2025, Sandip, his brother i.e. present applicant, one Swapnil Gaikwad and Harshal came in a Fortuner vehicle and forcibly took complainant in the office at Sudhakar Nagar and there it is alleged that, above persons along with unknown 10 to 15 persons beating was given and gold chain of complainant was also snatched. Allegations are of issuing life threats. He has reported that in the afternoon, Abhijit was also brought in the same office, detained, threatened and made to accompany to his house, take his belongings and again brought back to

his office. After retaining his belongings and laptop, later on they were dropped in Deolai Chowk. On above report, above crime has been registered.

6. Learned APP has placed on record police papers, which carries transcript of alleged CCTV footage from the hotel. Camera nos.5 and 6 carries material about the events which took place outside the hotel on 06.04.2025. As regards to present applicant is concerned, he introduced himself to be a policeman to the watchman and asked him to open the gate. Allegations of assault by cable are directed to complainant against Sandip Sirsath. Similar allegations against present applicant are also made for hitting complainant on face. Injury certificate placed on record shows site of injury to the ear and not face. Injuries are also reported to be simple in nature. Even Sharad had suffered injury which are simple in nature. Now, investigation is said to be over and there is no dispute that charge sheet is filed. This court appears to have granted bail to one of the accused, namely Krushna @ Satish Gothe, whereas vide Bail Application Nos. 1235 of 2025 and 1236 of 2025 regular bails are granted to Harsh and Sandip (Main Accused) and Nilesh.

Resultantly, in view of above discussion, even present applicant deserves relief as prayed and further investigation, if any, can be carried out in securing his presence. The application is allowed in the following terms :

ORDER

- (i) In the event of arrest of the applicant Mithun Bhausahab Shirsat, in connection with Crime No.0147 of 2025 registered with Satara police station, Dist. Chhatrapati Sambhajnagar for the offences punishable under sections 61(2), 109, 115(2), 118(1), 127(2), 140(1), 310(2) read with section 3(5) of Bharatiya Nyaya Sanhita and under section 3(25) of Arms act, he shall be released on bail on furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) with one solvent surety in the like amount.
- (ii) The applicant shall attend the concerned Police Station on every Monday at 11.30 am. He is further directed to cooperate 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) He shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

7. The Application stands disposed off.

(ABHAY S. WAGHWASE, J.)