



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

ANTICIPATORY BAIL APPLICATION NO. 1148 OF 2025

1. TUKARAM LAHURAO KIRKAT
2. LAHURAO AMBADAS KIRKAT

VERSUS

THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION NO. 3657 OF 2025

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Advocate for Applicants : Mr. Magar Balasaheb N.

APP for Respondents/State : Mr. K. N. Lokhande

Advocate for complainant in Cri. Appln.3657/2025 :
Mr. Muthal Mahesh L.

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CORAM : MEHROZ K. PATHAN, J.

DATE : 15th DECEMBER 2025

PER COURT :

1. Not on board. Mentioned. Taken on board.
2. The present application arises out of Crime No. 182/2025, in which the Applicants are seeking anticipatory bail. Although this application was not listed today, the connected matter, i.e., Anticipatory Bail Application No. 1607/2025, was listed. Therefore, the learned Counsel for the Applicant, Mr. Magar, who also appears in the connected matter, requested that the present application be heard together.
3. Heard the learned Counsel for the Applicants, the learned

Counsel for the complainant and the learned APP for the State.

4. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.182/2025 registered with Talwada Police Station, Taluka Georai, District Beed for the offences punishable under Sections 281, 318(1), 318(2), 115, 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023. This Court vide its order dated 14.07.2025 was pleased to pass a reasoned order granting ad-interim protection to both the Applicants, Tukaram and Lahurao, with a condition that they shall attend the police station every Monday at 11:30 a.m.

5. The learned Counsel for the Applicants informs this Court that the Applicants, Tukaram and Lahurao, have attended the police station every Monday without fail. It is submitted that although the recovery of incriminating articles is to be effected from the Applicants, they are not attributed with any assault using a dangerous weapon. It is further submitted that the Applicants may be released on bail, as they are ready to abide by any conditions that may be imposed by this Court.

6. As against this, learned APP as well as the learned Counsel assisting the prosecution vehemently oppose the present application on the ground that Applicant No. 2/Lahurao, has already been convicted for an offence under Section 353 of the IPC for assaulting a public servant while on duty. It is further submitted that the appeal

filed by Applicant is pending. Therefore, considering the criminal tendencies of the present Applicants, there is every likelihood that they may again indulge in threatening the prosecution witnesses, and hence they ought not to be released on bail.

. The learned APP further specifically relies upon the offence registered against the Applicant No.2/Lahurao under Section 353. He also relies on the statement of one Dnyaneshwar and Dinesh to show that the Applicants are involved in assaulting the complainant.

7. I have gone through the allegations in the FIR and the investigation papers made available by the learned APP. A perusal of the same shows that the Applicants Tukaram and Lahurao, are not attributed any major role in the assault except for giving fist and kick blows. This Court, vide order dated 14.07.2025, was pleased to observe as under :

“With the assistance of the learned Advocate for the Applicants and the learned APP, I have perused the FIR and the record available before the Court. It appears that on 31 May 2025, at about 9.15 hours in the morning, the Informant was traveling by his motorcycle on the Kathoba-Golegaon phata. At that time, a Scorpio car in which the present Applicants along with other persons were present, dashed the motorcycle. Pursuant to such incident, there was a scuffle between the Informant and the said persons which led to the alleged assault by the accused persons on the Informant. However, a perusal of the FIR would reveal that such assault by means of an iron rod/stick has been inflicted by Accused No.1. As far as the present Applicants are concerned, their role is limited to inflict the injuries on the Informant by fists and blows. Apart from this,

there appears to be no further allegation in the FIR. At this stage, there is prima facie some merit in the submissions of the learned Advocate for the Applicants that considering the nature of accusations in the FIR, i.e. Section 115 of the BNS that would apply as far as these Applicants are concerned. It is also pointed out that there is delay of 4 days in lodging the FIR.”

. This Court, vide order dated 14.07.2025, had granted protection to the Applicants on the condition that they shall attend the police station every Monday. They have complied with the interim order and have cooperated with the investigation.

8. The learned Counsel for the Applicants has produced on record copies of the attendance sheets duly acknowledged by the police authorities, showing that the Applicants have complied with the interim order. It is also not disputed by the learned APP that Tukaram and Lahurao have cooperated with the investigation and that the weapon, i.e., the iron rod used in the crime, has already been recovered.

9. Hence taking into consideration the aforesaid submissions, I am inclined to protect the Applicants. Hence the following order :

ORDER

(i) The interim order dated 14.07.2025 is hereby confirmed.

(ii) The Applicants shall attend the concerned police station as and when called by the Investigating Officer till the filing of the charge-sheet.

(iii) The Applicants shall not tamper with the prosecution evidence and shall not influence the witnesses.

(iv) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(v) The application is allowed in the above terms and stands disposed of.

(vi) The application for assisting the prosecution is also disposed of.

MEHROZ K. PATHAN
JUDGE

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