



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO 1163 OF 2025

1. Shantilal Abasaheb Dake
2. Sambhaji Bappasaheb Dake ... Applicants

Versus

The State of Maharashtra and another ... Respondents

WITH
CRIMINAL APPLICATION NO. 2545 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO 1163 OF 2025

Ganesh s/o Radhakisan Wadghane ... Applicant

Versus

Santilal s/o Abasaheb Dake & others ... Respondents

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Mr. S. J. Salunke, Advocate for the Applicants in ABA/1163/2025.
Mr. V. P. Sawant, Advocate for the Applicant in Cr.Appln/2545/2025.
Mrs. M. L. Sangit, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 19.08.2025

Pronounced on : 20.08.2025

ORDER :

1. Criminal Application No. 2545 Of 2025 is filed by the original informant seeking leave to assist APP in prosecuting the anticipatory bail application. For the reasons mentioned in the application,

applicant-informant is allowed to assist the learned APP. Criminal Application No. 2545 Of 2025 is accordingly disposed off.

2. This pre arrest bail application is on account of registration of crime no.0343 of 2025 with Georai Police Station, District Beed for the offences under Sections 118(2), 126(2), 140(3), 189(2), 190, 191(2), 191(3), 352, 351(2), 351(3), 324(4) of BNS.

3. Learned counsel for the applicant in anticipatory bail application pointed out that there is false implication. That, major allegations are against other accused. That, alleged incident is of 26.05.2025, but report is lodged in 28.05.2025 and as such, there is delay. That, trial court had granted bail to accused namely Rahul and Siddheshwar. That, applicants are ready to co-operate. That, no recovery or discovery is to be made and hence, relief is urged for.

4. Learned APP opposed on the ground that serious offence is committed. That, there are allegations of assault by deadly weapon. Medical papers and medical reports are placed on record and for effective investigation, application is sought to be rejected.

5. Heard. Perused the papers. Present application is at the

instance of applicants Shantilal and Sambhaji who are shown to be accused nos. 2 and 4. The FIR is at the instance of Ganesh Radhakisan Wadghane and its substance is that, on 25.05.2025, informant's sister Manda questioned truck driver who was transporting sand, for driving in rash manner. He reported that, he learnt from his sister that said truck driver made telephone call and shortly thereafter Shantilal, Siddheshwar, Sambhaji came and assaulted her husband Santosh. When informant went to report occurrence to Georai, message was received about resolution of dispute. Further, when complainant was returning from Georai, it is alleged that around 3.30 p.m., his Swift car was intercepted by Rahul Manchuke and 7 to 8 persons and he was assaulted by wooden stick and rod and taken to a site under construction where, it is alleged that, Vinod, Shantilal, Siddheshwar and Sambhaji arrived and Shantilal questioned him for preventing their sand transport activity. He has further alleged that, present applicant Shantilal assaulted him with iron rod on left leg and with wooden stick on head and also threatened to kill by pointing pistol at him, if report is lodged. Thus, present applicant Shantilal is named in both episodes, i.e. of 25.05.2025 as well as 26.05.2025. Learned APP has placed on record, medical papers of informant Ganesh. Therefore, considering the nature of accusations, this Court is not inclined to grant relief to applicant Shantilal. Hence, following order :

ORDER

- I. The application is partly allowed.
- II. The application of applicant no.1 Shantilal Abasaheb Dake is rejected.
- III. The application of applicant no.2 Sambhaji Bappasaheb Dake is allowed. In the event of arrest of applicant no.2 Sambhaji Bappasaheb Dake in connection with 0343 of 2025 with Georai Police Station, District Beed for the offences under Sections 118(2), 126(2), 140(3), 189(2), 190, 191(2), 191(3), 352, 351(2), 351(3), 324(4) of BNS, he shall be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.
- IV. The applicant no.2 Sambhaji Bappasaheb Dake shall attend the concerned Police Station as and when called by the Investigating Officer till filing of the charge sheet and co-operate in the investigation.

[ABHAY S. WAGHWASE, J.]