



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1173 OF 2025

Laxminarayan alias Nitin Nagnath Kankadhar

Versus

The State of Maharashtra

Mr. Amarsinha Sonkawade for the Applicant.

Mrs. M. L. Sangit, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 12 AUGUST 2025

P. C.:

1. Heard learned Advocates for the parties. I have perused the FIR as well as the record available with the Court with assistance of learned Advocates for the parties.

2. These proceedings arise out of CR No.0167 of 2025. The FIR is lodged on 16 April 2025 at 23:05 hours by the Tulzapur Police Station, Dharashiv. The date of occurrence of the alleged incident as stated in the FIR is 11 April 2025. The FIR has been registered under Sections 115(2), 117(2), 3(5), 333, 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

3. The FIR discloses name of one accused along with some unknown persons. The said accused persons is Applicant before the Court. It appears that there has been a long stand family rivalry between the Applicant and the informant, who happens to be the real brother of the

Applicant. It appears that the contents of the said FIR disclosed active involvement of the Applicant in the alleged assault, which took place between the Applicant and the informant on 11 April 2025. The Applicant allegedly used a stick for assaulting the informant. There were two other unknown persons, which were also present at the spot, who have to be identified.

4. At this juncture itself, Mr. Sonkawade, learned Advocate for the Applicant would draw the attention of the Court to an earlier FIR No.0162 of 2025, lodged by the wife of the present Applicant against the informant/complainant on 12 April 2025 by the same police station. The alleged offences are also similar. The FIR under consideration has been lodged by the complainant against the Applicant on 16 April 2025 in a gap of just four days. It is also submitted that there are several cross FIRs and complaints lodged by the informant and Applicant against each other in the past. Mr. Sonkawade would submit that the Applicant has filed four complaints and the informant has filed three complaints to demonstrate that there is a long standing dispute and rivalry between these parties.

5. On the last occasion, the Court had raised a specific query with regard to the nature of injury suffered by the informant on the alleged date of incident i.e. 11 April 2025 as noted in the FIR. To this, Mrs. Sangit, learned APP submits that she has specifically taken instructions and from case diary/investigation papers she drawn the Court's attention to a report

dated 16 April 2025 of Tulzai Hospital, which appears to be a private hospital. There is no report of any public/government hospital placed on record by the prosecution. She would submit, on instructions, that the nature of injuries disclosed in such report of the informant as simple injuries. Learned Advocate for the Applicant has submitted that the Applicant has no criminal antecedent.

6. Considering the backdrop and the facts and circumstances as noted above, in my view, interest of justice would be served by passing the following Order:-

ORDER

- (i) In the event of arrest of the Applicant in connection with CR No. 0167 of 2025 registered with Tulzapur Police Station, Dharashiv for the offences punishable under Sections 115(2), 117(2), 3(5), 333, 351(3) and 352 of the BNS, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000 (Rupees Twenty Five Thousand Only) with one or more sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation and shall attend the concerned police station as and when called by the Investigating Officer, until further filing of the charge-sheet.
- (iii) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the

concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.

(iv) The Applicant shall not leave the jurisdiction of the competent Court without prior permission/order of the Court, until filing of the charge-sheet.

(v) The Applicant shall not influence the witness/es and/or tamper evidence in any manner whatsoever.

7. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

8. The Anticipatory Bail Application is **Allowed** in the above terms.

[ADVAIT M. SETHNA, J.]