



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1233 OF 2025

Pankaj Pralhad Pawde & Ors.

Versus

The State of Maharashtra & Anr.

Mr. Dhananjay Shinde for the Applicants.

Mr. A. V. Lavte, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 30 JULY 2025

P. C.:

1. This is an Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) as the Applicants in the present proceedings apprehend arrest.

2. These proceedings arise out of CR No.0148 of 2025. The FIR is lodged on 17 May 2025 at 15:18 hours by the Kinwat Police Station, District Nanded. The date of occurrence of the alleged incident as stated in the FIR is 13 May 2025. The FIR has been registered under Sections 118(2), 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”). The complainant is one Majid Abdul Rashid Khan, age 23 years, who is the son of the injured victim. There are four accused persons in the FIR, all of whom are the Applicants before the Court in the present proceedings.

3. Heard learned Advocates for the parties and with their assistance, perused the record as well as the case diary/investigation papers.

The incident as noted in the FIR is of 13 May 2025, in respect of which the report was lodged on 17 May 2025. It appears that on the said day, at about 6:30 p.m., the father of the Informant, namely, Abdul Rashid Khan was assaulted by the accused persons by using sharp as well as hard and blunt weapons. It appears that the injured suffered grievous injuries to the left leg and also suffered fracture to the left hand. In such circumstances, the report was lodged and the present FIR came to be registered.

4. From a perusal of the FIR, it appears that accused No.1 has used sickle and assaulted on the leg of the Informant. Accused No.2 used shock absorber to inflict injuries on the left hand of the Informant. Accused No.3 appears to have inflicted injuries on the Informant by using a sprinkler pipe and accused No.4 as alleged to have used a spade to inflict injuries. From the investigation papers/case diary, which Mr. Lavte, learned APP has furnished to the Court, there appears to be a medico-legal certificate dated 22 May 2025 in respect of an examination of the Informant on 13 May 2025 at 7:40 p.m. From the said certificate, it appears that there are lacerated wounds inflicted on the Informant by using blunt object. It also notes fracture of the middle finger along with tibial fracture. As per the said certificate, X-ray has been advised. However, it is to be noted that there is no observation on the nature of the injuries in the said certificate.

5. Pertinent it is to observe that just after a few hours of the registration of the said FIR, a cross-complaint has been lodged, which

culminated into an FIR No.149 of 2025, where the Informant is Accused No.3 in the present proceedings. The alleged offences are same. The incident is also the same. It appears that these are cross-complaints, wherein two groups consisting of the accused persons and the Informant had suffered injuries as a result of assault on each other. Though there is injury certificate on record, however, the nature of injuries is yet not known.

6. As far as accused No.1 is concerned, Mr. Shinde would point out that in R.C.C. No.160 of 2018 arising out of FIR No.227 of 2018, he is acquitted on 1 April 2025. Another proceeding against accused No.1 in FIR No.309 of 2020 is pending before the Trial Court. As far as accused No.2 is concerned, there is a proceeding arising out of FIR No.84 of 2017, which is pending before the Trial Court. As far as accused No.3 is concerned, there are two proceedings against him arising out of FIR No.309 of 2020 and FIR No.89 of 2023, which are pending before the Trial Court. He would submit that though there are antecedents, these will not have any bearing on the present proceedings, which have to be assessed, examined and adjudicated independently. Mr. Lavte on the other hand would submit that this would show the habitual conduct of these Applicants.

7. The Court is, at this stage, constrained to observe that considering the above, if any further complaints and/or accusations of similar nature are found against any of these Applicants in any other proceeding, that would be a ground sufficient enough to deny any

protection and/or indulgence in those proceedings to these Applicants.

8. Mr. Lavte would oppose grant of any relief to the Applicants and would insist on physical custody of the Applicants. However, in the given factual complexion it appears that custodial interrogation of the Applicants would not serve any purpose. The Applicants undertake to fully co-operate with the investigation. The prosecution has not raised any apprehension with regard to the tampering of any witness and/or evidence by these Applicants. According to learned Advocate for the Applicants, the Applicants have deep roots in the society and they are not likely to flee from justice.

9. In view of the above, the following order, in my opinion, would meet the ends of justice:-

ORDER

- (i) In the event of arrest of the Applicants in connection with CR No.0148 of 2025 registered with Kinwat Police Station, District Nanded for the offences punishable under Sections 118(2), 115(2), 352, 351(2) and 3(5) of the BNS, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000 (Rupees Twenty Five Thousand Only) each with one or more sureties in the like amount.
- (ii) The Applicants shall cooperate with the investigation and shall attend the concerned police station as and when

required until filing of the charge-sheet. Applicant No.1 shall be given advance information so that he can travel from Jalna for this purpose.

- (iii) The Applicants 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 Applicants shall not leave the jurisdiction of the Court without prior permission/order of the Court, until further orders. As far as Applicant No.1 is concerned, he shall not leave the jurisdiction of Jalna District without permission/order of the competent Court. However, this shall not apply to his attending the police station and/or Court proceedings.
- (v) The Applicants shall not influence the witness/es and/or tamper evidence in any manner whatsoever.

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

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

[ADVAIT M. SETHNA, J.]