



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1266 OF 2025

1. Uttareshwar S/o. Hanumant Dhage,
2. Manthan S/o. Uttareshwar Dhage ... Applicants

Versus

1. The State of Maharashtra,
2. Police Station Officer,
Ambajogai (Rural) Police Station. ... Respondents.

.....
Mr. P. R. Kasare, Advocate for Applicants.
Mr. M. K. Goyanka, APP for Respondents – State.

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CORAM : ABHAY S. WAGHWASE, J.
DATED : 20 AUGUST 2025

ORDER :

1. This is an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 preferred by the applicants for pre-arrest bail in connection with Crime No.0135 of 2025 registered with Ambajogai (Rural) Police Station, District Beed for the offences punishable under sections 352, 351(3), 351(2), 3(5), 118(2) and 115(2) of Bharatiya Nyaya Sanhita.

2. After hearing learned counsel for the applicants at length, when disinclination is shown to grant any relief to applicant no.1

Uttareshwar S/o. Hanumant Dhage, learned counsel, on instructions, seeks leave to withdraw his application.

3. Learned counsel for applicants submitted that, implication is due to previous enmity. That, there are allegations that, father and son in the backdrop of previous quarrel carried out assault by means of stick and rod. That, alleged occurrence is of 01.05.2025 and report is lodged on 02.05.2025. That, as nothing is to be recovered, custodial interrogation is not necessary, moreover when applicants are ready to co-operate with the investigating machinery. For such reasons, relief is urged for.

4. Learned APP opposed by stating that after getting drunk both, father and son assaulted informant a lady. That, applicant no.1 inflicted injury on hand, whereas applicant no.2 Manthan also inflicted injury. There is a fracture injury. That, there are threats to kill also. Learned APP pointed out that injury certificate of informant is also placed on record and she has suffered grievous injury. Hence for effective investigation, anticipatory bail is opposed.

5. Heard. Perused the FIR dated 02.05.2025 at the instance of Varsha Gujar, who has reported police that on the evening night of

01.05.2025 in the backdrop of previous quarrel, their neighbour Uttareshwar Hanumant Dhage and his son Manthan, while under the influence of liquor, picked up quarrel and hurled abuses and on being question to that extent, informant reported that, Manthan picked up wood lying there and hit her on the head. Whereas, his father Uttareshwar hit iron rod on the hand. Therefore, she lodged above report.

6. Perused the injury certificate. Informant has suffered trauma to the head, fracture to hand and one abrasion. Above discussion shows that applicant no.2 is barely 20 years of age and has allegedly put to use wood lying at the spot. Therefore, taking the same into consideration and his age, he alone deserves protection. Applicant no.1 has inflicted iron rod and therefore grievous injury is attributed to him. Hence, he is not entitled for protection. Accordingly, I proceed to pass following order :

ORDER

- (i) Anticipatory Bail Application is partly allowed.
- (ii) Anticipatory Bail Application as regards to applicant no.1 Uttareshwar S/o. Hanumant Dhage is dismissed as withdrawn.
- (iii) Anticipatory Bail Application of applicant no.2 is allowed.

- (iv) In the event of arrest of applicant - Manthan S/o. Uttareshwar Dhage in connection with Crime No.0135 of 2025 registered with Ambajogai (Rural) Police Station, District Beed for the offences punishable under sections 352, 351(3), 351(2), 3(5), 118(2) and 115(2) of Bharatiya Nyaya Sanhita, he shall be released on executing P.B. and S.B. of Rs.20,000/- with one surety in the like amount.
- (v) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (vi) 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.
- (vii) Applicant shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

(ABHAY S. WAGHWASE, J.)