



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1293 OF 2025

1. Harichandra s/o Mohan Kolekar
2. Haribhau s/o Dnaynoba Kolkar @ Kolekar ... Applicants

Versus

1. The State of Maharashtra
2. The Superintendent of Police ... Respondents

WITH
CRIMINAL APPLICATION NO. 2906 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 1293 OF 2025

Sunita Dattu Survase, ... Applicant

Versus

Harishchandra Mohan Kolekar and others

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Mr. R. G. Hange h/f Mr. A. R. Hange, Advocate for the Applicant in
ABA/1293 of 2025.

Mr. Pathan Sartaj Khan H., Advocate for the Applicant in Criminal
Application No. 2906 of 2025.

Mr. S. B. Narwade, APP for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 18.08.2025

Pronounced on : 20.08.2025

ORDER :

1. Criminal Application No. 2906 of 2025 is filed by the original
informant seeking leave to assist learned APP in prosecuting the

present Anticipatory Bail Application. For the reasons mentioned in the application, the applicant is allowed to assist the learned APP. Criminal Application No. 2906 of 2025 is accordingly disposed off.

2. This is a pre arrest bail application in crime no. 168 of 2025 registered at Washi Police Station, District Dharashiv for offence under Sections 109, 118(1), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 191(3), 190 of BNS.

3. Learned counsel pointed out that, above crime is a result of free fight. That, there are cross complaints. According to him, complaint at the instance of applicant's side is prior in point of time. He pointed out that, accused Bibhishan and Sunita are granted bail and 2 are on interim bail, against whom there are similar allegations, i.e. Akash @ Sanket and Balaji. Therefore, he urges application of ground of parity. Further, according to him, there are allegations of use of axe and iron rod but allegations to that extent are also non specific. As investigation is almost over and no further recovery or discovery is to be made, he prays for grant of bail as granted to other accused.

4. Learned APP as well as learned counsel for the complainant both have strongly opposed on the ground that serious offence is

committed by use of articles like axe, iron rod. That, grievous injuries are inflicted. Injury certificates are placed on record. Learned APP pointed out that episode took place in two parts. All accused had come armed with articles like axe and iron bar, which are used in assaulting vital part of the body like head. Learned APP invited attention of the Court to the injury certificate. He submitted that recover of axe and iron bar is yet to be effected. For above reasons, relief is opposed.

5. Perused the FIR dated 08.05.2025 and sum and substance of the same is that, on 03.05.2025 in the evening, informant Sunita learnt from her son Samadhan that, Harichandra i.e. present applicant no.1 was driving tractor in close proximity to the cattle shed and due to its noise, the cow got disturbed and he suffered cow's kick causing injury to his knee. Thereafter, same night at 09.00 p.m. all accused came to her house, and she alleged that, in the backdrop of alleged episode accused Harichandra questioned her son Samadhan and assaulted by means of axe, whereas applicant no.2 Haribhau hit iron rod on the head of Samadhan causing bleeding injury. She alleged that, Bibhishan Dnyanoba Kolkar gave blow with iron rod on complainant whereas, Balaji and Sanket Kamble assaulted her husband by means of iron rod. Shantabai and Shivkanya caught

complainant and her daughter-in-law respectively, by their hair and Barkabai even beat their grand daughter. All injured were taken to the hospital and referred to Dharashiv and so, after discharge, above report is lodged on 08.05.2025.

6. Learned counsel for applicant has submitted that there are cross complaints and FIR by present applicants' side is first in point of time. He also emphasized that other accused with similar allegations are granted bail by this Court by order dated 23.07.2025 and 13.08.2025 i.e. Bibhishan, Sunita, Akash and Balaji.

7. In the light of above submissions, it is emerging that allegations against Bibhishan, who is beneficiary of bail, is of assaulting complainant by means of iron rod. As regards to Balaji and Akash @ Sanket are concerned, there are also allegations of assault by iron rod to husband of complainant. Learned APP has placed on record injury certificate of Samadhan and he seems to have suffered three simple injuries and one grievous injury near nose. Injured Dattu has suffered two simple injuries on shoulder and forehead, whereas Amol also had suffered two simple injuries on shoulder and temporal region. Informant Sunita has also suffered simple injuries over temporal region and forearm.

8. Learned counsel has annexed copy of FIR at Exhibit “C” with regard to crime no. 165 of 2025 and it is of 04.05.2025 at the instance of present applicant Harichandra, and it is against Amol, Samadhan, Dattu, Sunita and wife of Amol. Going by the dates and time, as submitted, report by present applicants is first in point of time. However, it is for sure that, in both FIRs occurrence is of evening of 03.05.2025. Hence, there is reason to hold that there are cross complaints. This Court seems to have granted bail to Bibhishan as well as Akash @ Sanket and Balaji against whom there are allegations of assault by iron rod. Therefore, when similarly situated accused are beneficiaries of bail, there is no reason to deny similar relief to present applicants. Hence, following order :

ORDER

I. In the event of arrest of the applicants in connection with crime no. 168 of 2025 registered at Washi Police Station, District Dharashiv for offence under Sections 109, 118(1), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 191(3), 190 of BNS, the applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) by each, with one or more sureties by each, in the like amount.

II. The applicants shall attend the concerned Police Station as and when directed/called for and shall co-operate with the investigation.

III. The Applicants 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.

IV. The Applicants shall not leave the jurisdiction of the competent court without prior permission, till filing of the charge sheet.

V. Applicants shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

VI. Needless to mention that the observations made in this order are prima facie for adjudication of this Anticipatory Bail Application.

VII. The Anticipatory Bail Application is allowed in above terms.

[ABHAY S. WAGHWASE, J.]