



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1311 OF 2025

Rajekhan Pathan Imam Khan Pathan

VERSUS

The State Of Maharashtra

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- Mr. Sanket S. Kulkarni, Advocate h/f. Mr. S. L. Baswe, Advocate for Applicant
- Mr. P. D. Patil, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 08.12.2025

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0139 of 2025, dated 10.05.2025, registered with Kandhar Police Station, District Nanded, for the offences punishable under Sections 118(2), 296(3)(5), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. The allegations against the applicant are that he was called upon by co-accused Madhav Sayaji Shinde to drive back the tractor, as the complainant and his brother had failed to pay the installments of the tractor taken on loan.

4. Learned counsel for the applicant, Mr. Kulkarni, submits that the applicant has a limited role in the alleged offence. The applicant was merely asked by co-accused Madhav Sayaji Shinde to drive the tractor back to the office. While the applicant was driving the tractor cautiously, the complainant himself came to the spot and attempted to stop the tractor. The applicant had no intention to hurt or cause injury to the complainant or any other person. Nevertheless, the complainant has managed to obtain an injury certificate.

5. Learned counsel further submits that the applicant has no criminal antecedents to his discredit and is willing to abide by any conditions imposed by this Court. The co-accused Madhav Sayaji Shinde has already been protected by this Court vide interim order dated 16.06.2025 passed in Anticipatory Bail Application No. 963 of 2025.

6. As against this, learned APP vehemently opposes the application, contending that the applicant is the main accused who attempted to run over the complainant with the tractor and has been absconding since the registration of the offence. It is submitted that the injury certificate indicates fracture of the pelvic bone of the complainant, which amounts to grievous injury. Therefore, the allegations in the FIR are corroborated by medical evidence and the applicant is not entitled to anticipatory bail.

7. I have perused the investigation papers produced by the learned APP. Though the injury certificate reflects a pelvic fracture, further treatment papers reveal that abdominal and pelvic sonography findings are within normal limits. The said sonography test was conducted at Ninad Diagnostic Centre, as per the reports placed on record. Thus, there appears to be inconsistency between the injury certificate and the sonography report. Moreover, the investigation papers disclose that the tractor has already been handed over to the complainant therefore custodial interrogation of the applicant would not serve any fruitful purpose. The investigation further does not reveal any independent eyewitness statements specifically attributing the alleged act to the present applicant. The apprehension expressed by the prosecution can be adequately addressed by imposing stringent conditions. Hence, the following Order:-

ORDER

- i. In the event of arrest of the Applicant Rajekhan Pathan Imam Khan Pathan, he shall be released on bail on furnishing a P.R. Bond of Rs. 50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount each, in connection with FIR No. 0139 of 2025, dated 10.05.2025, registered with Kandhar Police Station, District Nanded, for the offences punishable under Sections

118(2), 296(3)(5), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions:-

- A) The Applicant shall attend the concerned police station and report to the Investigating Officer on every Saturday between 12.00 noon and 02.00 p.m., till filing of the charge-sheet, and thereafter as and when called.
- B) The Applicant shall also cooperate with the investigation.
- C) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- D) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

8. Needless to say that violation of any of the above conditions or involvement of the applicant in any other cognizable offence shall entitle the prosecution to seek cancellation of bail.

9. The Anticipatory Bail Application is disposed of accordingly.

(MEHROZ K. PATHAN, J.)