



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1323 OF 2025

Arjun Vilas Kshirsagar ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Mr. S. S. Jadhav, Advocate for the Applicant.
Mr. S. S. Dande, APP for Respondents-State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 21.08.2025

Pronounced on : 22.08.2025

ORDER :

1. Apprehending arrest in crime no. 0167 of 2025 registered at Bhagyanagar Police Station, Nanded, for offence under Sections 132, 109, 118(1), 118(2), 126(2), 128(2), 189(2), 190, 191(2), 191(3), 351(2), 351(3) r/w 3(5) of BNS, instant anticipatory bail application is pressed into service.

2. Taking this Court through the FIR, learned counsel pointed out that, it is at the instance of a Talathi, who claimed to be part of a team headed by Tahsildar to keep surveillance on illegal activity of theft and transportation of sand. He pointed out that, it is alleged that

on 18.03.2025 shortly after midnight, the team was intercepted by a truck, and its driver and cleaner alighted, questioned Revenue officials for taking action, made a telephone call and it is alleged that, thereafter four vehicles including two Scorpio vehicles arrived and the persons in it were armed with iron rod, sticks and they mounted attack. He pointed out that, it is alleged that, there was assault on informant and his associates and later on, said persons fled. Learned counsel pointed out that, apparently said occurrence is of night of 19.03.2025 and in said FIR, persons carrying out assault are not named. He further pointed out that, three months thereafter, in the supplementary statement of the informant, name of applicant has cropped up. Learned counsel pointed out that, even said information is hearsay and the source as to from where involvement of applicant was disclosed or got known, is not informed. Learned counsel submits that applicant has no criminal antecedents whatsoever. That, only after filing of charge sheet, applicant got to know about above supplementary statement and thereafter, immediately application for anticipatory bail has been preferred. For all above reasons, as applicant is ready to cooperate and when nothing is shown to be recovered, learned counsel urged for grant relief.

3. Learned APP would strongly oppose on the ground that, assailants were sand mafia who were annoyed with Revenue officials for taking action on illegal extraction of sand and its transportation. Learned APP pointed out that, obviously it being night time, identity or description of assailants could not be noted, however, informant and other team members have suffered injuries. Medical papers to that extent are placed on record. Learned APP pointed out that present applicant was absconding and therefore, he does not deserve protection.

4. Perused the FIR dated 20.03.2025 at the instance of Talathi. As stated, the team constituted to check extraction of sand and its transportation was on round and it is alleged that, their vehicle was intercepted by a truck and its driver and cleaner allegedly issued threats and summoned others by making phone call. Thereafter, it is alleged that, four vehicles came and five to six persons alighted and mounted assault on informant and his associates. As submitted, supplementary statement of informant is recorded on 09.06.2025 i.e. after two and half months. Therein, as submitted, names of Shivshankar, present applicant Arjun and one Rahul are supplied by stating that names of such persons were learnt later on. It does appear that, source of receipt of above names has not been disclosed. Even

above three persons *prima facie* appear to be residents of distinct places i.e. Pimpalgaon, Borgaon and Sangvi. Statement is made across the bar that, Shivshankar is already granted bail. Learned APP has submitted that, applicant was absconding. In reply, learned counsel for applicant has refuted the same and claims to have learnt about he being named in June by virtue of supplementary statement. As pointed out, FIR does not carry either names or description of the assailants. Probably it is due to occurrence taking place in the dead of the night. For above reasons, and for what reason custodial interrogation is necessary, not being clarified, and the statement made across the bar that applicant has no criminal antecedents and further, he being ready to co-operate with the investigation, relief as prayed deserves to be granted. Hence, following order :

ORDER

- I. The application is allowed.
- II. In the event of arrest of the applicant in connection with crime no. 0167 of 2025 registered at Bhagyanagar Police Station, Nanded, for offence under Sections 132, 109, 118(1), 118(2), 126(2), 128(2), 189(2), 190, 191(2), 191(3), 351(2), 351(3) r/w 3(5) of BNS, he shall be released on executing P.B. and S.B. of Rs.25,000/- with one surety in the like amount.

III. The applicant shall attend the concerned police station twice in every week, i.e. on every Tuesday and Friday between 11.00 a.m. to 2.00 p.m. till filing of the charge sheet and co-operate in the investigation.

IV. The applicant shall not tamper with the prosecution evidence in any manner.

[ABHAY S. WAGHWASE, J.]

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