



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1253 OF 2025

1. Sham S/o. Ramdas Jadhav,
2. Shubham S/o. Sham Jadhav ... Applicants

Versus

The State of Maharashtra ... Respondent.

WITH
CRIMINAL APPLICATION NO. 3130 OF 2025 IN ABA/1253/2025

Rajendra Bhaskar Gore ... Applicant

Versus

Sham Ramdas Jadhav and Ors. ... Respondents

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Mr. A. B. Chormal, Advocate for Applicants in ABA/1253/2025
Mr. S. R. Mhaske, Advocate for Applicant in Criminal Application No.
3130 of 2025
Mr. N. D. Batule, APP for the Respondent-State

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 21 AUGUST 2025

ORDER :

1. Apprehending arrest in Crime No. 0384 of 2025 registered at Loni Police Station, Dist Ahmednagar for offence punishable under sections 118(2), 119(1), 115(2), 351(2), 352 read with section 3(5) of Bharatiya Nyaya Sanhita, instant anticipatory bail application is pressed into service.

2. Criminal Application No.3130 of 2025 is at the instance of the original informant, seeking leave to assist learned APP in prosecuting the Anticipatory Bail Application. For the reasons mentioned in the application, the applicant-informant is permitted to assist the learned APP. Criminal Application No.3130 of 2025 is accordingly disposed off.

3. After hearing learned counsel for the applicants at length, when disinclination is shown to grant any relief to applicant no.2 Shubham S/o. Sham Jadhav, learned counsel, on instructions, seeks leave to withdraw his application.

4. So far as applicant no.1 Sham Ramdas Jadhav is concerned, learned counsel pointed out that, there are allegations that, there used to be quarrels on account of material lying on the road. Report is lodged that, on 22.6.2025, unloading of bricks from the truck was going on and it is alleged that, on account of taking the truck aside, applicant abused informant. Main allegations are directed against other accused namely Bharati, Shubham, Akanksha for giving kicks and fist blows. There are further allegations that applicant Sham further beat informant and his son by wooden stick which was already lying there. That, one of the accused is already beneficiary of bail. Considering the nature of allegations, custodial

interrogation of the applicant is not necessary and hence anticipatory bail is prayed for.

5. Learned APP as well as learned counsel for informant have both opposed the application on the ground that, injury has been inflicted on the head. That, there is an eye witness account. Learned counsel for informant pointed out that, N.C. has already been lodged for issuing threats and as such he apprehends misuse of liberty, if application is allowed.

6. Heard. Perused the FIR dated 24.06.2025 regarding occurrence dated 22.6.2025. Substance of the FIR is that informant uses the way over which there are allegations of constructions material lying causing inconvenience to informant. It is alleged that, on 22.6.2025 in the afternoon unloading of bricks from truck was going on, and request was made to the driver to take the truck aside. In this backdrop, it is alleged that, present applicant no.1 Sham hurled abuses, whereas his wife Bharati and Akansha pulled the informant and Bharati and Akanksha made him fall. Thereafter, there are allegations that, Sham, Bharati, Shubham and Akanksha gave fist and kick blows. Against present applicant no.1 sham, it is alleged that, he picked up wooden stick lying there and hit it on the lowers limbs and back of the informant and his son Prasad. Whereas,

Shubham picked up iron rod and hit it on the head of informant and his son.

7. Therefore, above material shows that occurrence has taken place all of a sudden for causing obstruction and inconvenience to the way allegedly used by informant. As regards to applicant no.1 sham is concerned, there are allegations of hurling abuses, hitting with wooden stick, which was lying there. Lower limbs are said to be targeted. However, as regards to applicant no.2 Shubham is concerned, he has assaulted by means of iron rod that too on the head. Hence, he does not deserve any protection. Therefore, application to the extent of applicant No.1. Sham deserves to be allowed. Hence, following order:

ORDER

- (i) Anticipatory Bail Application is partly allowed.
- (ii) Anticipatory Bail Application as regards to applicant no.2 Shubham S/o. Sham Jadhav is dismissed as withdrawn.
- (iii) Anticipatory Bail Application of applicant no.1 Sham Ramdas Jadhav, is allowed.
- (iv) In the event of arrest of applicant No.1- Sham S/o. Ramdas Jadhav in connection with Crime No. 0384 of 2025 registered at Loni Police Station, Dist Ahilyanagar for offences punishable under sections 118(2), 119(1),

115(2), 351(2), 352 read with section 3(5) 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.)