



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1489 OF 2025

1. PRASHANT MANOHAR GAWANDE

2. RATNAKAR DATTA DUBEY

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. R.R. Karpe h/f
Mr. Kale Amol Gangadharrao

APP for Respondents/State : Mrs. P.J. Bharad

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CORAM : MEHROZ K. PATHAN, J.

DATE : 1st DECEMBER 2025

PER COURT :

1. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.157/2025 registered with Narsi Police Station, Taluka and District Hingoli for the offences punishable under Sections 109, 118(1), 115, 351(2), 351(3), 3(5), 352 of Bharatiya Nyaya Sanhita, 2023.

2. At the outset, the learned Counsel Mr. Karpe for the Applicants seeks permission to withdraw the application to the extent of Applicant No.1/Prashant Manohar Gawande, as this Court was not inclined to grant anticipatory bail to Applicant No.1/Prashant Manohar Gawande in view of the several criminal antecedents on record.

3. Permission is granted. The application is disposed of as

withdrawn to the extent of Applicant No.1/Prashant Manohar Gawande.

4. The learned Counsel for the Applicants submits that the FIR alleges the assault carried out by Prashant Gawande with iron rods on the head of the cousin of the Informant namely Satish. As regards the role of Applicant No.2/Ratan Dubey, it is alleged that he assaulted the complainant Vishal by means of an iron rod on the back. It is also submitted that the Applicant No.1/Prashant has also registered counter FIR No.164/2025 dated 17.07.2025 for the incident dated 17.07.2025, wherein the complainant Vishal is an accused.

5. A minute perusal of the case diary papers, as made available by the learned APP, would show that there is no injury certificate pertaining to complainant Vishal in the case papers. Upon inquiry, it is revealed that the complainant Vishal was not required to undergo any treatment, as there were no external injuries. It is therefore clear that the role attributed to Applicant No.2/Ratan Dubey did not result in any simple or grievous injury sustained by the complainant. Moreover the perusal of the investigation papers further shows that the investigation is also complete and the spot panchanama shows that two iron rods are already recovered from the spot. The injury certificate of one of the injured witness Satish is also collected by the Investigating Officer along with the discharge certificate. The necessary samples are withdrawn and forwarded to the forensic lab, Nanded for obtaining its report.

6. Thus looking to the statements of the injured witnesses Satish and Rameshwar and others, it is seen that the alleged overt act of Applicant No.2 is not supported by any corroborative evidence collected during investigation. The other co-accused Manohar and Nilesh are already arrested and released on regular bail. The apprehension of the learned APP that the Applicant No.2 may tamper with the evidence can be taken care of by imposing certain conditions. I am inclined to grant protection to the Applicant No.2/Ratan Dobey on following conditions. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant No.2 - Ratnakar @ Ratan Datta Dubey in connection with Crime No.157/2025 registered with Narsi Police Station, Taluka and District Hingoli for the offences punishable under Sections 109, 118(1), 115, 351(2), 351(3), 3(5), 352 of Bharatiya Nyaya Sanhita, 2023, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, on the following conditions :

(a) Applicant No.2/Ratnakar @ Ratan Dubey shall attend the concerned police station on Saturday of every week till the filing of the charge-sheet if any as against the Applicant No.2 and thereafter as and when called by the Investigating Officer.

(b) Applicant No.2 shall not tamper with the prosecution evidence and shall not influence the witnesses.

(c) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE

NAJEEB..