

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1494 OF 2025

1. Bapusaheb Bhanudas Shelke
2. Raosaheb Bhanudas Shelke
3. Sachin Bapusaheb Shelke
4. Krushna Bapusaheb Shelke ..Applicants

Versus

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

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Advocate for Applicant : Mr. Narwade Narayan B.

APP for Respondent/State : Mr. K.N. Lokhande

Advocate for Assist to PP : Mr. N.B. Garje

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CORAM : MEHROZ K. PATHAN, J.

DATED : NOVEMBER 10, 2025

PER COURT :

1. Heard Mr. Narwade, learned counsel for the applicants, learned APP for the State and learned and Mr. Garje, learned counsel for the complainant.

2. The applicants have approached this Court seeking anticipatory bail in connection with Crime No.643/2025 registered with Shevgaon Police Station, District Ahmednagar for the offences punishable under Sections 118(2), 115(2), 351(2), 351(3), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. From the FI.R. it appears that, on 06.07.2025, at about evening hours, informant was in his field, that time all the Applicants

came there. The Applicant No.3 Sachin is arm with the axe. All the Applicants used the filthy words against the informant. The Applicant No.1 & 2 assaulted the informant with kick and fist blow. The Applicant No.4 Krishna assaulted the son of the informant with the fist blow and Applicant No.3 Sachin has also assaulted son of the informant with the back side of the axe. By the injury sustained to the son of the informant, he is unable to function his hand properly. Accordingly, the F.I.R. is lodged.

4. It is the submission of learned counsel for the applicants that though the incident is reportedly occurred on 06.07.2025, the F.I.R. is filed surprisingly on 22.07.2025. Thus, there is unexplained delay in lodging the F.I.R. belatedly. It is further submission of the learned counsel for the applicants that applicant Sachin is a college student and was attending the library for his studies as could be seen from the CCTV footage. Another submission of learned counsel for the applicants is that accused Krushna was also a student of Siddhant Engineering College at Pune and the hostel superintendent has given a letter in writing that he was attending his college on the date of incident i.e. 06.07.2025. It is also submission of the learned counsel for the applicants that applicant no.1 – Bapusaheb has also made an application to the Superintendent of Police, Ahmednagar on 08.07.2025 informing about likelihood of false implication of the

applicants by the complainant – Pandurang. The same is part of the present application.

5. Learned counsel for the applicants, therefore, submits that there are already pending civil disputes between the applicants and complainant, wherein a regular civil is filed by the applicants being R.C.S. No.170 of 2014 pending at Civil Judge Junior Division, Shevgaon whereas the complainant Pandurang is also defendant no.3. He, therefore, submits that false implication of the applicants cannot be ruled out and therefore, they need to be protected from arrest in the present crime.

6. As against this, learned APP for the State submits that the offence is serious in nature, the custodial interrogation of the applicants is necessary. It is submitted that the son of the complainant, Shivam has suffered grievous injury which is alleged to have caused by applicant no.3 - Sachin and therefore, the applicants may not be granted anticipatory bail, as the investigation would hamper and would not be completed within time.

7. Learned counsel for the complainant who has filed an application for assisting the prosecution also adopts the arguments of the learned APP and submits that there are continuous threats given by the applicants and their family members to the complainant and his family members and as such, looking to the likelihood of the

applicants again committing some cognizable offence cannot be ruled out, if the applicants are released on bail.

8. I have gone through the F.I.R. and the allegations made therein. The F.I.R. states about the incident dated 06.07.2025, wherein applicant nos.1 and 2, Bapusaheb and Raosaheb alleged to have assaulted the complainant and his son with kick and fist blows, and applicant nos.3 - Sachin is alleged to have assaulted Shivam with axe and applicant no.4 - Krushna is alleged to have assaulted Shivam with kick and fist blows. Though the incident is allegedly occurred on 06.07.2025, there is no explanation coming forth as to why the complainant could not file the report immediately. Looking to the pendency of civil suit, false implication cannot be ruled out.

9. Be that as it may, these are *prima facie* observations made for the purposes of deciding the application and may not influence the trial. The apprehension of the learned APP as well as the counsel for the complainant can very well be taken care of by imposing stringent conditions against the applicants. Hence, the following order :

ORDER

(i) In the event of arrest of the Applicants – (1) Bapusaheb Bhanudas Shelke, (2) Raosaheb Bhanudas Shelke (3) Sachin Bapusaheb Shelke and (4) Krushna Bapusaheb Shelke, they be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) each with one or two solvent sureties in the like amount

each, in connection with Crime No.643/2025 registered with Shevgaon Police Station, District Ahmednagar for the offences punishable under Sections 118(2), 115(2), 351(2), 351(3), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 on the following conditions :

- (a) The applicants shall attend the Investigating Officer as and when called and cooperate with the investigation, till the completion of investigation and filing of charge sheet.
- (b) Applicant No.3 – Sachin shall not enter Village Mungi, Taluka Shevgaon, District Ahmednagar till framing of charge unless in emergency situation, where he shall seek permission from the Superintendent of Police, Ahmednagar till the time of framing of charge.
- (c) The applicants shall not tamper with the prosecution evidence; and shall not influence the witnesses.
- (d) The applicants shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed address and phone numbers of applicants and of two of the near relatives.
- (e) After framing of charge, the applicants shall attend the trial regularly except in emergency, they can seek exemption from the trial court.
- (f) The application stands disposed of.

(MEHROZ K. PATHAN, J.)