



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

986 ANTICIPATORY BAIL APPLICATION NO. 1520 OF 2025

Chandrakant Baburao Teke

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....
AND

987 ANTICIPATORY BAIL APPLICATION NO. 1522 OF 2025

Aditya Chandrakant Teke

....Applicant

Versus

The State of Maharashtra

.....Respondent

.....
In both the matters :

Shri. Nitin V Gaware Patil and Shri. Z. H. Farooqui,
Advocate for the Applicants

Shri. S. K. Shirse, APP for the Respondent – State.

Shri. Vinayakrao D. Hon, Senior Advocate a/w. Shri. Shubham S. Kote,
Advocate i/by. Shri. Ashwin V. Hon, Advocate for the Informant

.....

CORAM : NEERAJ P DHOTE, J.

Dated : SEPTEMBER 26, 2025

PER COURT :-

. Leave to amend the sections in the prayer clauses of the Applications.

2. Heard Shri. Nitin V. Gaware Patil, the learned Advocate for the Applicants, Shri. S. K. Shirse, the learned APP for the State and Shri. Vinayakrao D. Hon, Senior Advocate for the Informant. Perused the Papers on record.

3. Since the Applicants are apprehending arrest in connection with Crime No.0236/2025 registered with Kopargaon Rural Police Station, Dist. Ahilyanagar for the offence punishable under Sections 118(1), 119(1), 352, 351(2), 324(4), 351(3), 324(5) of the Bharatiya Nyaya Sanhita, 2023, they have filed these Applications under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for Anticipatory Bail.

4. The aforesaid Crime is registered on the Report lodged by one Vishal Lalji Patel. According to the Informant, he is the friend of Swarup Babasaheb Kape, who was in the construction business. Said Swarup was allotted the work of Railway Barricade five (5) months before the incident. The said work was being executed near the agricultural field of the Applicants. Swarup Kape had put some of the material of the said work in the agricultural field of the Applicants. On 10.08.2025 around 12:00 p.m. Swarup Kape received a phone call from his labour that, in the morning around 11:30 a.m. the Applicants prevented them to lift the material and beaten and abused them and broken their mobile phones. Therefore, the Informant, Swarup Kape and the witness - Pravin Deshmukh went to the agricultural field of the Applicants i.e. Teke Vasti. Both the Applicants were present on the spot. Swarup Kape asked the Applicants as to what difficulty they have, upon which the

Applicants demanded Rs.50,00,000/- (Rs. Fifty Lakh) for allowing them to lift the material. The Applicants assaulted Swarup Kape with *Koyta* (*Sickle*) and snatched the gold chain from the person of Swarup Kape. The Applicants threatened them of dire consequences, if the money was not given. Swarup Kape and the witnesses went to the Shree Sant Janardhan Hospital, Kokmathan, Tal. Kopargaon for medical treatment. The incident was reported to the Police and the aforesaid Crime came to be registered.

5. It is submitted by the learned Advocate for the Applicants that, the said contract was not allotted to the said Swarup Kape and the contract was allotted to the M/s. Forcon Infra Pvt Ltd. The Applicant - Aditya had given Rs.20,00,000/- (Rs. Twenty Lakh) to Swarup Kape and out of that Rs.9,00,000/- (Rs. Nine Lakh) was returned and Rs.11,00,000/- (Rs. Eleven Lakh) were to be received. On the day of the incident, Swarup Kape and the witnesses came to the spot of incident along with 5 (five) to 15 (fifteen) unknown persons with deadly weapons and damaged the vehicles of the Applicants standing on the spot. At that point of time, the Applicant – Aditya made phone calls on the emergency number of the Police. However, there was no response. After the said incident of damaging the vehicles of the Applicants, one reminder was sent to the Police by e-mail regarding the complaint dated 11.08.2025, however no cognizance was taken by the Police. In turn,

false and concocted FIR was registered against the Applicants. He further submitted that, even if the contents of the FIR are taken as it is, the same nowhere shows the element of extortion and therefore, the offence punishable under Section 308 (5) of the BNS is not made out. Further, the essential ingredients under Section 119(1) of the BNS also not made out. The punishment for the rest of the offences is below 7 (Seven) years of imprisonment, for which no arrest can be made pursuant to the direction of the Hon'ble Apex Court in the case of *Arnesh Kumar vs. State of Bihar and Another*, (2014) 8 SCC 273. The addition of subsequent sections, shows that the Applicants are falsely implicated. It is submitted that, the Applicants are ready to co-operate with the investigation and therefore, the Applications be allowed.

6. The Applications are opposed by the learned APP for the State and the learned Senior Advocate for the Informant. They submit that, these are the Applications for Anticipatory Bail, and foolproof case is shown in the FIR which shows the involvement of the Applicants in the incident. The Applicants are named in the FIR. For recovery of the Articles, the custody of the Applicants is necessary and the learned Sessions Court has rightly rejected the Applications. It is submitted that, the Applications be rejected.

7. Perused the papers on record and the papers made available by the learned APP. Copies of the Bank statement enclosed with the Application shows the transfer of amount of Rs.20,00,000/- (Rs. Twenty Lakh) to the account of one Vishwaroop Enterprises, which undisputedly is that of Swarup Kape. It further shows that, amount of Rs.9,00,000/- (Rs. Nine Lakh) was received by the Applicant - Aditya from the said enterprises. This shows that, there were some transactions between both the sides. Admittedly, Swarup Kape and the Applicants are relatives.

8. The FIR shows that, some of the construction material of Swarup Kape was kept in the agricultural field of the Applicants and the dispute which resulted in the incident is on account of keeping of the said material by Swarup Kape in the field of the Applicants. On going through the FIR, the contention of the learned Advocate for the Applicants that, the element of the extortion is absent, cannot be brushed aside lightly and *prima facie* appears to have merit. Though the FIR shows that both the Applicants assaulted Swarup Kape by using Koyta (Sickle) on vital parts, the Injury Certificate of Swarup Kape shows simple injuries - two (2) CLWs and one (1) abrasion. Injury Certificate made available for perusal from the papers of learned APP though show that, the patient was admitted from 10.08.2025, the same

show the date and time of examination as 12/8/20. Therefore, whether the said injuries corroborate the version in the FIR is to be seen at the time of the Trial. Photographs enclosed with the Application in the case indicate damage to the two (2) vehicles. According to the Applicants, the said vehicles belong to them. Admittedly, at the time of the lodging FIR there was no reference of Section 308 (5) of the BNS, it was included later on. Thereafter, Section 4 r/w. 25 of the Arms Act is reported to have been included in the said Crime after the Application filed for Anticipatory Bail was rejected by the learned Sessions Court. Considering all these aspects, the possibility of exaggeration in the FIR cannot be ruled out. In this view of the matter, I am inclined to allow the Applications and hence, the following order.

ORDER

- i) The Applications are allowed.
- ii) In the event of arrest of the Applicants, namely, Chandrakant Baburao Teke and Aditya Chandrakant Teke in connection with Crime No.0236/2025 registered with Kopargaon Rural Police Station, Dist. Ahilyanagar, they be released on bail on executing P.B. of Rs.30,000/- (Rupees Thirty Thousand) each, with one or two surety / sureties in the like amount.
- iii) The Applicants shall attend Kopargaon Rural Police Station, Dist. Ahilyanagar every Wednesday between 02:00 p.m. to 05:00 p.m. for a period of 2 (two) weeks, and thereafter as and when called by the investigating machinery.

iv) The Applicants shall not tamper with the Prosecution's evidence in any manner.

v) The Applications stand disposed off.

(NEERAJ P. DHOTE, J.)

GGP