



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

ANTICIPATORY BAIL APPLICATION NO. 1529 OF 2025

1. NAINESH SUDHIR SONAWANE
2. ATUL VIKRAM MOHITE
3. UMESH RAJENDRA WAGH
4. GAUTAM SUBASH AKHADE
5. PRADIP ATMARAM MOHITE
6. AJAY RAJENDRA WAGH

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Wagh Mukulanand R.

APP for Respondents/State : Mr. R.K. Ingole

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 8th DECEMBER 2025

PER COURT :

1. Heard the learned Counsel for the Applicants and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.254/2025 registered with Sakri Police Station, District Dhule for the offences punishable under Sections 109, 189(2), 189(4), 189(3), 191(2), 191(3), 190, 189(5) of Bharatiya Nyaya Sanhita, 2023.
3. At the outset, the learned Counsel for the Applicants Mr. Wagh on instructions, seeks permission to withdraw the application

insofar as the Applicant Nos. 1 to 5 are concerned, as this Court was not inclined to grant relief to the Applicant Nos. 1 to 5.

4. Permission is granted. The application is disposed of as withdrawn to the extent of Applicant Nos. 1 to 5 i.e. Applicant No.1/Nainesh Sudhir Sonawane; Applicant No.2/Atul Vikram Mohite; Applicant No.3/Umesh Rajendra Wagh, Applicant No.4/Gautam Subash Akhade; Applicant No.5/Pradip Atmaram Mohite.

5. Insofar as the Applicant No.6/Ajay Rajendra Wagh is concerned, the learned Counsel for the Applicants submits that Ajay is neither named in the First Information Report, nor seen in the CCTV panchanama prepared by the prosecution showing the assailants entering into the A-1 Chikcken Center wherein the complainant Arbaz was assaulted by means of dangerous weapon.

6. The learned Counsel further relies upon the order dated 17.02.2025 passed by this Court granting anticipatory to one of the co-accused Kunal Sanjay Wagh to buttress his submission that the identically situated accused Kunal who was also not named in the FIR was granted anticipatory bail. It his further submission that the Applicant No.6/Ajay is not having any criminal antecedents and is ready to abide any conditions that may be imposed by this Court. Hence the Applicant may be released on bail.

7. As against this, the learned APP vehemently opposes the present application. It is his submission that although Applicant No.6, Ajay, is not named in the FIR or reflected in the CCTV footage, his name has emerged during the course of investigation and interrogation of the other arrested co-accused. The learned APP further submits that the injuries sustained by the victim/complainant - Arbaz are all grievous stab injuries, and as such, the offence being punishable with life imprisonment, the Applicant may not be released on bail.

8 I have seen the charge-sheet filed against the arrested accused persons, which shows that Arbaz, the complainant herein, sustained serious stab injuries on his abdomen, back, and side of the thigh. However, a perusal of the FIR indicates that the allegation of assaulting the complainant with a dangerous weapon is attributed to the other accused persons/Applicant Nos. 1 to 5. This Court has allowed to withdraw the application to the extent of Applicant Nos. 1 to 5. The FIR does not show any role played by Applicant No.6/Ajay herein and neither the CCTV panchanama prepared by the prosecution shows that Ajay was present or seen entering into A-1 Chicken Center assaulting the complainant/Arbaz. However, the observations made herein, are prima facie in nature and shall not influence the trial Court.

. Thus taking into consideration the evidence collected by the prosecution as against the present Applicant No.6/Ajay and the order dated 17.02.2025 passed by this Court granting anticipatory to one

of the co-accused Kunal Sanjay Wagh who is also not named in the FIR, I am inclined to grant protection to the Applicant No.6/Ajay. The apprehension of the learned APP can be taken care of by imposing conditions that may be imposed by this Court. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant No.6/Ajay Rajendra Wagh in connection with Crime No.254/2025 registered with Sakri Police Station, District Dhule for the offences punishable under Sections 109, 189(2), 189(4), 189(3), 191(2), 191(3), 190, 189(5) 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.6 shall attend the concerned police station on Thursday and Friday of every week between 11:00 am to 01:00 p.m. till the filing of the charge-sheet.

(b) Applicant No.6 shall not tamper with the prosecution evidence and shall not influence the witnesses.

(c) Applicant No.6 shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(d) 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