



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1563 OF 2025

Bharosa Nagin More

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....

WITH

ANTICIPATORY BAIL APPLICATION NO. 1451 OF 2025

Azad Raju Thakare

versus

The State of Maharashtra.

..

Advocate for Applicant : Mr. Abhay Ostwal, h/f. Bhange Vikram
Laxmanrao

APP for Respondents: Mr. A.S. Shinde.

CORAM : MEHROZ K. PATHAN, J.

DATE : 24TH NOVEMBER, 2025.

P.C. :-

1. Since both the applications arise out of the same Crime, they are being heard and decided together.

2. Heard. Mr. Abhay Ostwal, learned counsel for the applicant instructed by Mr. Vikram Bhange, learned counsel for applicants in ABA 1563 of 2025, Mr. D.R. Bagul, Advocate h/f. Mr. D.S. Bagul, Advocate for applicant in ABA 1451 of 2025 and Mr. A.S. Shinde, APP for respondent.

3. The applicants have approached this court, seeking grant of anticipatory bail in Crime No. 0428 of 2025, registered with Shahada Police Station, Dist. Nandurbar for the offences punishable under Sections 62, 109, 140-1, 118-1, 189-2, 191-2, 191-3, 190 of Bhartiya Nyana Sanhita and under Sections 37(1) and 37(3) of the Maharashtra Police Act.

4. The case of the prosecution is that, on 19.07.2025 at about 11.00 p.m. informant and his friend Chetan were sitting out of a shop. Accused Nos. 1 to 4 came therein a car. Accused came near informant and threw pouch on the face of informant. He avoided said pouch. It got torn. Out of that red colour Mirchi like powder fell on his hand and shirt. His eyes were burning due to that. Accused Raja tried to hit iron rod on the head of informant, but he avoided the same. That time, informant received injury to his right hand little finger. Accused Bhorosa, Azad and Kiran, caught informant. They were telling to put informant in the vehicle. They started beating him. Accused Kiran came there and opened door of the vehicle. They all tried to put him in the vehicle. Accused Kiran and Azad closed Chetan in shed. Accused Raja inflicted self injury on his head with kada (bracelet). He issued threat of filing false case. They again tried to beat informant. Thereafter, they fled away in said vehicle. In said incident, informant lost his gold chain. Accordingly, crime was registered.

5. Learned counsel Mr. Ostwal appearing for the applicant Bharosa More in ABA 1563 of 2025, submits that applicant is not attributed any overt act in the present FIR. The only allegation against applicant is that he was accompanying Raja Koli, one of the main accused, who had allegedly given blow on Ganesh Patil, by means of iron rod. Hence, the custodial interrogation of applicant is not necessary. He

further submits that the applicant is ready to abide by any terms and conditions that may be imposed. The applicant is having deep roots in the society and is an Ex-B.S.A. Jawan and there is no likelihood that the applicant may flee away from justice. He, therefore, submits that the applicant may be released on anticipatory bail.

6. He further relies upon the order passed by this court in the case of alleged implication of the applicant by way of identical Crime No. 357 of 2025, wherein, this Court was pleased to grant him anticipatory bail, observing that the applicant was not even present at the time of offence. He further relies upon the order passed by the learned Sessions Judge, Shahada in B.A. No. 198 of 2025, in connection with Crime No., 419 of 2025 granting him regular bail, in which he has been falsely implicated for the offence punishable under Section 307 of IPC. He took me through the observations of the learned Sessions Court, wherein, he has been charged only being a part of the member of unlawful assembly and attempted to kill the complainant therein and that, there were no direct allegations of overt act in that crime. He further relies upon the order passed by the learned Sessions Judge in B.A. No. 339 of 2025, wherein, accused Kiran Badaldsing Thakare and Kiran Shankar Bhil (Pawar), have been granted regular bail vide order dated 3.11.2025, wherein, the learned Sessions Judge, made following observations about the merit of the matter :-

“Perused the bail application and say thereon. Applicants are arrested since considerable period. Perusal of the order dated 3.9.2025 shows that, the Honourable High Court granted ad-interim bail to accused Azad Thakare. Perusal of the order dated 11.08.2025, it shows that, this Court granted regular bail to co-accused Raja. Injury certificate shows fracture at right ulna styloid, of grievous nature. It means injury is not on the vital part. The material investigation of

crime is completed against this accused. There is possibility that applicants may abscond. Bail is a rule and custody is an exception. At this stage. I am not saying applicants are guilty or innocent but at this stage, it is found that, they should be released on bail by imposing stringent conditions.”

7. The learned Sessions Judge made observations that injury certificate shows fracture at right Ulna Styloid and that the injury was grievous in nature. However, it was not caused on any vital part of body. Mr. Ostwal submits that the applicant not being an author of the said injury, the applicant can be protected as the applicant is ready to abide by any condition that may be imposed.

8. The learned Counsel Mr. Vikram Bhange appearing for applicant in ABA 1451 of 2025 submits that the applicant Azad has attended the police station as directed and complied with the conditions laid down by this Court vide interim bail order dated 3.9.2025. and has not flouted any of the conditions. The applicant, may therefore be released by confirming the interim order. There is nothing to be recovered at the instance of the applicant. He has no criminal antecedents and he is ready to abide by any further conditions that may be imposed.

9. As against this, learned APP opposes both the applications on the ground that the applicants were members of group formed for assaulting Ganesh Patil, on account of political rivalry and previous enmity. The injuries caused upon the witness Ganesh Patil are grievous in nature. For proper investigation, custodial investigation of both the applicants is necessary. He further relies upon the 2 crimes registered against the applicant Bharosa More. He submits that if the applicants are released, there is every likelihood that the applicant may again indulge in similar offences thereby causing disturbance of peace and tranquility of

the city.

10. In so far as applicant Azad is concerned, learned APP submits that even though the applicant has cooperated with the investigation, however, there are several accused persons who are absconding. The investigation is still in progress. Hence, custodial interrogation of both applicants is necessary.

11. I have gone through the investigation papers made available by the learned APP. I have also gone through the interim order passed in the case of Azad More dated 3.9.2025 as well as order passed by the learned Sessions Judge, in the matter of Kiran Thakre, Raja @ Samadhan Koli. The record shows that there was a counter FIR filed on 20.07.2025 bearing No. 429 of 2025, by accused Samadhan Koli, wherein, the present complainant Ganesh Patil is an accused. Perusal of the order passed by this Court in B.A. No. 773 of 2025 dated 12.7.2025 shows that accused Bharosa More was released on anticipatory bail by giving a finding that there is no evidence to connect the applicant Bharosa with the crime in question. Thus, the criminal antecedents as against Bharosa More shows that he had no connection with the said crime. Hence, after considering the record and the aforementioned order passed in present crime as well as crimes which are registered against applicant Bharosa More and also considering the fact that there are no criminal antecedents against Azad More, which is not disputed by the learned APP, I am inclined to protect the two applicants. The apprehension of the learned APP can be taken care of by imposing stringent conditions. Hence, the following order :-

ORDER

- [i] The applications are allowed ;
- [ii] The applicants – Bharosa Nagin More in ABA No. 1563 of 2025 and Azad Raju Thakare in ABA No. 1541 of

2025 be released on bail, on furnishing P.B. and S.B. in the sum of Rs. 25,000/- each in connection with Crime No. 0428 of 2025, registered with Shahada Police Station, Dist. Nandurbar for the offences punishable under Sections 62, 109, 140-1, 118-1, 189-2, 191-2, 191-3, 190 of Bhartiya Nyana Sanhita and under Sections 37(1) and 37(3) of the Maharashtra Police Act. on the following conditions :-

[iii] The applicants shall not enter the jurisdiction of Shahada Police Station till framing of the charge by the trial Court.

[iv] The applicants shall attend the concerned police station on once in a week between 12 noon to 2 PM., till filing of charge sheet and thereafter, as and when called by the I.O.

[v] The applicants shall attend each and every date of the trial Court without fail unless exempted by the trial Court on emergent consideration.

[vi] The applicants shall submit their Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves and two of the near relatives.

[vii] The applicants shall not tamper with the prosecution evidence; and shall not influence the witnesses.

[vii] The applicants shall not commit any other offences while on bail.

[viii] A single violation of conditions may entitle the prosecution to seek cancellation of bail.

[ix] The applications are disposed of.

[MEHROZ K. PATHAN]
JUDGE.