



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

917 ANTICIPATORY BAIL APPLICATION NO. 1604 OF 2025

Ram Nanarao Kamble

VERSUS

The State Of Maharashtra And Another

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Mr. D. M. Shinde h/f Mr. Shrikant B. Madde - Advocate for the Applicant
Mr. M. K. Goyanka - APP for the State

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CORAM : NEERAJ P DHOTE, J.

DATED : 11TH SEPTEMBER, 2025

PER COURT : -

1. This is an Application for grant of Anticipatory Bail in Crime No. 0088 of 2025 registered with Kasarshirshi Police Station, District Latur, for offences punishable under Sections 103(1), 189(2), 191(2), 190, 115(2) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The case of Prosecution, in brief, is that on account of a quarrel in village Aundha during a procession on 25.04.2025 around 08:00 p.m., the Accused persons assaulted the injured witnesses and the Deceased. The body of deceased was found in an agricultural field. The incident was reported to the Police, and the above-referred Crime came to be registered.

3. It is submitted by the learned Advocate for the Applicant that the Applicant is not named in the FIR. The injuries referred to in

the post-mortem report do not correspond to the cause of death, as there are no external injuries to the Deceased. There is no evidence to show that the Applicant had played any role in the incident. The investigation is over, and some of the accused persons are released on bail. In the absence of any evidence, the Applicant is entitled to pre-arrest bail and hence, the Application may be allowed.

4. The Application is opposed by the learned APP. He submits that, though the Applicant is not named in the FIR, the eye-witnesses to the incident have named the Applicant as one of the accused present on the spot. In the FIR, one of the offences is unlawful assembly and, though no specific role is attributed to the Applicant, it cannot be said that the applicant was not involved. One person has lost his life in the incident and, therefore, this is not a fit case for grant of anticipatory bail.

5. Perused the Charge-sheet. There is no dispute that the Applicant is not named in the FIR, however, the statements of witnesses, namely, Yadav Dattatray Biradar, Umakant Balaji Patwari, Madhav Kashinath Biradar and Amar Pandurang Biradar show the presence of the Applicant on the spot and instigating the co-accused. In the Crime, one of the offences under which the Crime is registered is for unlawful assembly. The post-mortem report shows the cause of death of the

deceased as 'Intracerebral Hemorrhage' and whether the injuries in post-mortem report correspond or not to the cause of death, is a matter of trial. In this view of the matter, in my considered view, this is not a case to exercise powers vested in this Court for granting anticipatory bail. Hence, the following order:

ORDER

[i] The Anticipatory Bail Application is dismissed.

[NEERAJ P. DHOTE]
JUDGE

SG Punde