



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1650 OF 2025

Prashant Prakash Mandlecha And Another

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....

Advocate for Applicant : Mr. Kasar Rajendra Sudam
APP for Respondents: Mr. R.K. Ingole.

CORAM : MEHROZ K. PATHAN, J.

DATE : 11TH DECEMBER, 2025.

P.C. :-

1. The applicants have approached this Court seeking anticipatory bail in crime No. 0509 of 2020 registered with Pathardi Police Station, Dist. Ahilyanagar for the offences punishable under Sections 307, 326, 325, 324, 323, 427, 143, 147, 148, 149, 504, 506, 269, 270, 188 of IPC and under Section 11 of COVID 19 Rule, 2020 and under Section 2,3,4 of the Epidemic Disease Act and under Section 51-B of the Disaster Management Act, and under Section 3, 4 and 25 of the Arms Act.

2. Case of the prosecution is that, on the day of the incident the informant Vishnu was proceeding in his car with his son. Accused arrived from the opposite side, gave dash to the car run by the informant. It is specifically alleged that applicant No.1 Prashant assaulted informant with sword on his head. Thereby, he sustained grievous injury.

It is also alleged that, applicant Balu Sheth assaulted the informant with the revolver on his head and further threatened him to kill. Accordingly, FIR is registered.

3. The learned counsel for the applicant submits that after registration of crime against applicant No.1 Prashant, he has also registered a counter FIR of attempt to commit murder as applicant had received grievous injuries at the instance of the accused person. The said FIR bearing No. 510 of 2025 is registered on 30.7.2020, wherein, the applicant No.1 Prashant is a complainant and the present complainant Vishnu is a co-accused.

4. The learned counsel for the applicant submits that after registration of FIR No. 509 of 2010 against the present applicant, the applicants approached learned Sessions Court for grant of anticipatory bail. The learned Sessions Court has rejected the application against which they approached this Court by filing A.B.A No. 781 of 2020. This Court vide order dated 8.12.2020 was pleased to reject the anticipatory bail application against which the applicant approached the Honourable Supreme Court. The Honourable Supreme Court vide its order dated 5.3.2021 was pleased to grant anticipatory bail to the present applicant Nos. 1 and 2 in the present crime by discussing in details the merits of the matter. However, the Honourable Supreme Court restricted the grant of anticipatory bail till the filing of charge sheet and it was directed that the matter shall be thereafter considered by the concerned trial court purely on merits after filing of charge sheet.

5. It is the submission of learned counsel for the applicants that after filing of the charge sheet, the applicants have approached the learned Sessions Judge, Ahmednagar, seeking anticipatory bail.

The learned Sessions Court vide order dated 10.9.2025 has rejected the said application without going into the observations made by the Honourable Supreme Court on merits. It is further submitted that taking into consideration the nature of injuries sustained by the present applicant Prashant, the Honourable Supreme court was pleased to take a view that the applicants were entitled for anticipatory bail, however, in view of the judgment of the Supreme Court in ***Siddharam Satlingappa Mhetre Vs State of Maharashtra and Ors. AIR 2011 SUPREME COURT 312***, which had given option of restricting anticipatory bail till filing of charge sheet, the applicants were protected till filing of charge sheet. It is now submitted that in view of the judgment of the Honourable Supreme Court in the matter of ***Sushila Agarwal and others vs. State (NCT of Delhi) and another reported in 2020 AIR Supreme Court 831***, anticipatory bail can be granted till conclusion of trial. It is further submitted that the Honourable Supreme Court had also made observation on merits having found that the applicants deserve to be protected by granting anticipatory bail and therefore, the applicants who are the law abiding citizens and having no criminal antecedents, may therefore, be protected as they are ready to abide by the conditions that may be imposed by this Court.

6. As against this, the learned APP submits that the two main accused persons are alleged to have used dangerous weapon like Sword in assaulting the complainant party. Though the applicants were granted anticipatory bail, they have not given any recovery of weapons. As such, the anticipatory bail application may be rejected.

7. I have gone through the charge sheet filed alongwith the present application and the injury certificate of complainant Vishnu and injured witness Gaurav Karande and Siddhesh Khedkar. I have also gone through the order of the Honourable Supreme Court dated 5.3.2025

wherein the Honourable Supreme Court has made observation on merit mentioning in details about the injuries sustained by the applicant as well as the injuries sustained by the complainant Vishnu. It could be seen from the observations of the Honourable Supreme Court that the applicant Prashant himself and his father have sustained grievous injuries for which the complainant party is tried for an offence for attempt to commit murder and on that ground the Honourable Supreme Court had granted anticipatory bail though for a limited period.

8. It would be apposite to refer to the anticipatory bail orders granted in favour of other accused persons except for the present two applicants. One such order is dated 27.8.2020 passed by the learned Additional Sessions Judge, Ahmednagar in favour of the other/accused except present applicant Prashant Mandlecha and Javaharlal @ Balu Mishrilal Mandlecha, on parity. Another order tendered by the learned counsel for the applicant is the order dated 10.8.2020 in favour of other 3 accused Vijaykumar , Nikhil and Vishal Mandlecha, who were granted anticipatory bail by the learned Additional Sessions Judge in the present crime, Wherein the sessions court has observed as under,

“With the assistance of learned advocate for accused and learned A.P.P., gone through the application, say and police papers. On perusal of the injury certificate, it transpires that none of the witness sustained any grievous injury or any injury on vital part so as attract the offence punishable under Section-307 or 326 of the Indian Penal Code. It seems that prior to lodging of the present report, the accused persons have lodged report against the informant and witnesses alleging their mis-behaviour while driving the vehicle. In any case, none of the offence is serious so as to warrant custodial interrogation of the accused. The accused persons are reputed persons and they will be available for investigation as well as for the trial. Considering the over all facts and circumstances, in my view, by putting some conditions, the accused persons can be granted pre-arrest bail.”

9. Thus, taking into consideration the observations of the Honourable Supreme Court about the injuries sustained by the

applicants, and the order passed by the session court in the case of other accused persons who are already released on anticipatory bail, I am inclined to protect the present applicants. So far as the apprehension of the learned APP is concerned, the same can be taken care of by imposing stringent conditions. Hence, the following order :-

ORDER

[I] In the event of arrest of the applicants, in connection with Crime No. 0509 of 2020 registered with Pathardi Police Station, Dist. Ahilyanagar for the offences punishable under Sections 307, 326, 325, 324, 323, 427, 143, 147, 148, 149, 504, 506, 269, 270, 188 of IPC and under Section 11 of COVID 19 Rule, 2020 and under Section 2,3,4 of the Epidemic Disease Act and under Section 51-B of the Disaster Management Act, and under Section 3, 4 & 25 of the Arms Act, the applicants :-

[i] Prashant s/o. Prakash Mandlecha and

(ii) Jawaharlal @ Balu Mishrilal Mandlecha,

be released on bail on furnishing PR Bond in the sum of Rs. 50,000/-, each with one or more sureties in the like amount, on the following conditions :-

[i] The applicants shall attend the concerned police station and report to the Investigating Officer on every Thursday and Friday i.e. on 18th, 19th, 25th, 26th December 2025 and 1st and 2nd January, 2026 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called till filing of supplementary charge sheet if any against the applicant.

[ii] The applicants shall not tamper with the prosecution evidence.

[iii] The Investigating Officer shall make investigation papers available on next date of hearing.

[iv] The applicants shall submit their Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and address of two of his near relatives.

[v] A single violation of the conditions or threatening the witnesses may entitle the prosecution to seek cancellation of bail.

[iv] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-