



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1684 OF 2025

Radhe Alias Kiran Bandu Kakde

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr. Wagh Rajendra H., Amrapali Aathavale,
Chakranarayan Sanjana B
APP for Respondents: Mr. V.M. Kagne.

CORAM : MEHROZ K. PATHAN, J.

DATE : 24TH NOVEMBER, 2025.

P.C. :-

1. The applicant has approached this court, seeking grant of anticipatory bail in Crime No. 0284 of 2025, registered with Jintur Police Station, District Parbhani, for the offences under Sections 109, 132, 121-1, 296, and 115-2, 351-2 r/w. 3-5 of the Bhartiya Nyaya Sanhita.

2.. The prosecution case, in short, is that on 27.05, 2025, police constable Prakash Gangadharappa Aakmar lodged report to the Police Station, Jintur alleging that on 26.5.2025, he was on duty on mobile van. On that day, at about 22.35 hours, the informant alongwith API Mr. Pund were patrolling in Jintur Division. While patrolling, owners of tea canteen directed to close their shops on Jalna road. Accordingly, the tea canteens were closed. On 27.5.2025 at about 2.30 a.m. when they were patrolling on Jalna road, they found that tea hand cart was open near Chandrabhaga Urban Bank. They directed the owner of hand cart to close it. Thereafter, he closed the hand cart. That time, accused applicant

Akshay Suryawanshi and another accused Radhe had been sitting there. The informant told them to go away from there. That time, both the accused replied that they are members of a political party and heads of booth, why they are being asked to go. After that, the accused Akshay Suryawanshi caught caller of the informant due to which buttons of his shirt were cut and name plate fell down. Accused Radhe caught the informant and accused Akshay Suryawanshi assaulted the informant by fist blows on his face, back and chest. That time, API Pund rescued the informant from Akshay Suryawanshi. After that, the accused Akshay picked up big stone by both hands to assault the informant but the informant saved himself. That time, both accused abused the informant in filthy language. They threatened to kill him. When Akshay Suryawanshi was picking up big stone, API Pund had tried to caught him. Accused Akshay Suryawanshi went away and threw stone, bricks towards the informant with intent to kill him. Shaikh Bashir Shaikh Salim, Shaikh Ejaj Shaikh Ibrahim and Arun Madhukar Sangle came there. Then accused ran away. On the aforesaid report, the above crime came to be registered against accused for the offences mentioned above.

3. The learned counsel for the applicant submits that perusal of FIR would show that there is no overt act attributed against present applicant Radhe using criminal force or assaulting complainant with an intention to deter him from performing duties. The main role is attributed to Akshay Suryawanshi, who has already been released on anticipatory bail by the learned Sessions Court. The counsel for applicant, therefore, submits that taking into consideration the limited role of the applicant who was merely present alongwith the main accused Akshay, the applicant may be released on anticipatory bail. The applicant is ready to abide by any conditions that may be imposed.

4. The counsel for applicant further stated about his criminal antecedents that none of such offence registered against him can be said to be serious offence against the society. The applicant may, therefore be released on bail.

5. As against this, the learned APP vehemently opposes the application on the ground that the applicant is involved in a serious offence alongwith the main accused, to deter the public servant from performing duty, by use of criminal force and assault. Even though, there is no overt act in the assault on complainant, the applicant is alleged to caught hold of the collar of complainant. The offence is serious in nature and as such, custodial interrogation of the applicant is necessary to complete the investigation. The application may therefore be rejected.

6. Learned APP further submits that main accused Akshay Suryawanshi has 13 offences against him, whereas, there are 7 criminal offences registered against present applicant. Looking to the number of offences registered against them, there is every likelihood tht the applicants,if released, may again commit similar offences.

7. I have gone through the investigation papers submitted by the learned APP, which includes a chart showing criminal antecedents registered against accused Akshay and applicant Radhe. I have also gone through the order passed by the learned Sessions Judge in the matter of grant of bail to Akshay Suryawanshi. Perusal of the FIR and the statement recorded by I.O. would show that it was Akshay who was attributed the role of criminal and assault done on public servant i.e. complainant. The role attributed against present applicant Radhe is only about being present and catching hold of the complainant while accused Akshay was assaulting complainant.

8. At the cost of repetition, it is pertinent to note that main accused Akshay against whom there are 13 criminal antecedents, is already released on anticipatory bail even though there are direct allegations against him. However, so far as the role of the present applicant is concerned, I do not find any overt act either in the FIR or from the statements of witnesses recorded during the course of investigation. So far as the offences those are recorded against the applicant are concerned, most of them are registered under Section 65E of the Bombay Prohibition Act. Other offences also cannot be said to be offences of grave nature, thereby causing danger to the society. Thus, taking into consideration the limited role of the present applicant, and the fact that the main accused Akshay is already released on bail and directed to cooperate with the investigation, in my opinion, the applicant also needs to be protected in the said crime. So far as the apprehension of the learned APP is concerned, same can be taken care of, by imposing stringent conditions.

9. Hence, following order :-

ORDER

[I] In the event of arrest of the applicant, in connection with Crime No. 0284 of 2025, registered with Jintur Police Station, District Parbhani, for the offences under Sections 109, 132, 121-1, 296, and 115-2, 351-2 r/w. 3-5 of the Bhartiya Nyaya Sanhita. the applicant Radhe @ Kirab Bandu Kakde, be released on bail on furnishing PR Bond in the sum of Rs. 50,000/- with one or more sureties in the like amount.

[I] The applicant shall attend the Jintur Police Station on every Sunday between 10.00 a.m. to 1.00 p.m. till filing of charge sheet.

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

[iii] The applicant shall not enter the Jintur City till framing of

charge, except for attending the police station, as mentioned above.

[iv] The applicant shall furnish his present address, alongwith Adhar Card to the I.O.

[v] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-