



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1693 OF 2025
WITH
CRIMINAL APPLICATION NO. 3923 OF 2025
IN ABA/1693/2025

Akshaykumar Alias Akshay Pandit Kubade
VERSUS
The State Of Maharashtra

WITH
ANTICIPATORY BAIL APPLICATION NO. 1695 OF 2025
WITH
CRIMINAL APPLICATION NO. 3925 OF 2025
IN ABA/1695/2025

Shrikant Alias Bablu Raghunath Kubade
VERSUS
The State Of Maharashtra

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Advocate for Applicants : Mr. Raut Ashok Dinkar
APP for Respondent/State : Mr. A.S. Shinde
Advocate for Applicants in APPLN/3923/2025 & 3925/2025 : Mr. H.I.
Pathan

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CORAM : MEHROZ K. PATHAN, J.

DATED : NOVEMBER 24, 2025

PER COURT :

1. Heard.
2. The applicants are seeking anticipatory bail in Crime No.425/2025 registered with Kalamnuri Police Station, Taluka Kalamnuri, District Hingoli for the offences punishable under Sections 118 (1), 118(2), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.
3. Mr. Raut, learned counsel for the applicants submits that there are four accused persons namely Akshay, Shrikant @ Bablu,

Sharad and Pandit, who are involved in the present crime. The F.I.R. though initially is filed against Akshay and Shrikant, however, later on during the course of investigation, accused Sharad and Pandit are shown to be also accompanying other two applicants and were also attributed the role of assault with sprinklers pipe. It is the submission of learned counsel for the applicants Mr. Raut that counter report was immediately filed on 31.07.2025 by the father of applicant-Pandit about the same incident. However, the police authorities have failed to register the F.I.R. and instead one N.C.R. is filed which is placed on record. It is his further submission that even though Sharad and Pandit are attributed the same role of assault with dangerous weapon, they have been granted anticipatory bail. He placed on record the copy of said order passed by the learned Additional Sessions Judge, Hingoli dated 18.09.2025 in Criminal Bail Application No.393 of 2025. Specific observation made by the Additional Sessions Judge is that there is contradiction in the statement given by Avadhut and information given by the informant about role of the applicant Sharad and Pandit. Hence, they were released on anticipatory bail. It is further submission of Mr. Raut that identical role being attributed to the present applicants, they may be released on anticipatory bail.

4. As against this, learned APP Mr. A.S. Shinde appearing for the State and Mr. H.I. Pathan, learned counsel appearing for the complainant vehemently opposed the application. It is their

submission that even though there is minor discrepancy in the F.I.R. and the statement of Avadhut, however, the role of both the applicants is made out in the F.I.R. as well as in the statement of Sambhaji Shinde, which was recorded during his medical treatment. Learned APP has made available the investigation papers and submits that there is serious injury sustained by the injured Avadhut and Sambhaji. It is therefore submitted that this is not a fit case to exercise discretion for grant of anticipatory bail.

5. I have gone through the statement of injured Avadhut and also the copy of N.C.R. filed by the present applicants on record. Perusal of injury certificate shows that injured Avadhut has sustained a grievous injury of fracture and was required to undergo a surgery. The certificate issued by the Gadevar Hospital, Nanded and further treatment of the injured is collected by the investigating officer and form part of the case diary.

6. Thus, the role of the present applicant Shrikant @ Bablu in Anticipatory Bail Application No.1695 of 2025 is clearly made out as the main accused, who has assaulted the injured Avadhut by means of iron pipe. Even though the weapons are recovered at the instance of Sharad and Pandit, I am not inclined to entertain the application in so far as the applicant – Shrikant @ Bablu is concerned. Hence, the application of applicant - Shrikant @ Bablu being Anticipatory Bail Application No.1695 of 2025 is rejected.

7. In so far as the application of applicant - Akshaykumar in Anticipatory Bail Application No.1693 of 2025 is concerned, perusal of F.I.R. and the statement of injured witness as well as the say of the prosecution, there is serious discrepancies found to the role of the present applicant - Akshaykumar. The applicant – Akshaykumar is alleged to have assaulted Shivshankar, however, there is no injury certificate on record to show that Shivshankar was injured in the assault. Looking to the contradictions in the F.I.R., the statement of Avadhut as well as the say of the prosecution, I am inclined to exercise the discretion in favour of the applicant – Akshaykumar in Anticipatory Bail Application No.1693 of 2025. Hence, the following order :

ORDER

(i) In the event of arrest of the Applicant – Akshaykumar Alias Akshay Pandit Kubade in Anticipatory Bail Application No.1693 of 2025, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount, in connection with Crime No.425/2025 registered with Kalamnuri Police Station, Taluka Kalamnuri, District Hingoli for the offences punishable under Sections 118 (1), 118(2), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023, on the following conditions :

(5)

- (a) The Applicant is directed to attend the concerned police station and report to the Investigating Officer as and when called, till framing of charge.
- (b) The Applicant shall also cooperate with the investigation and produce all relevant documents as may be sought by the Investigating Officer for the purpose of completing the investigation.
- (c) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
- (e) Anticipatory Bail Application No.1693 of 2025 is allowed and disposed of, Anticipatory Bail Application No.1695 of 2025 stands rejected.
- (f) Criminal Application Nos.3923 of 2025 and 3925 of 2025 filed for assist to prosecution are allowed and disposed of.

(MEHROZ K. PATHAN, J.)