



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1752 OF 2025

Balaji Subhashrao Wadje

VERSUS

The State Of Maharashtra And Another

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- Mr. Anil M. Gaikwad, Advocate for Applicant
- Mr. A. S. Shinde, APP for Respondents - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 17.11.2025

PER COURT :

1. The applicant has filed the present application for grant of anticipatory bail in connection with FIR bearing Crime No. 0131 of 2025, registered on 06.05.2025 with Kandhar Police Station, District - Nanded for the offences punishable under Sections 118(1), 118(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The story of the prosecution is that the FIR in Crime No. 131 of 2025 was registered on the basis of the statement of the informant, Shankar Nagorao Shinde, who was admitted in the Civil Hospital, Nanded. The informant, a resident of village Masalga, alleged that on 04.05.2025, at about 7:00 p.m., while he was returning home in his bullock cart and reached near Maroti Temple, the accused – Sahebrao

Wadje, Subhash Wadje and the present applicant Balaji Wadje – obstructed his way by parking their motorcycle in front of the cart. When he requested them to remove it, accused Sahebrao questioned him regarding laying of a pipeline through his field, pulled him down from the cart and assaulted him with a knife on his face. Accused Subhash allegedly assaulted him with an axe on his head near the left eye, while the applicant Balaji allegedly assaulted him with a stick on his neck. When one Sainath Wadje intervened, the accused fled from the spot.

3. Learned counsel for the applicant submits that a perusal of the First Information Report reveals only a minor role attributed to the present applicant in the alleged assault. The complainant has alleged that the applicant used a wooden stick to inflict assault upon him. It is further submits that the major role is attributed to Sahebrao Wadje and Subhash Wadje, who have already been released on a regular bail. The weapons used by them are also recovered. The applicant is only attributed with assaulting the complainant – Shankar Shinde, by means of wooden stick, which is also recovered from the spot during the investigation. Therefore, nothing remains to be recovered from the applicant, and his custodial interrogation may not be necessary.

4. As against this, the learned APP submits that the allegations are serious in nature and that the offence of voluntarily causing grievous hurt by means of dangerous weapons is made out against the applicant. It is submitted that the applicant along with the other two accused – Sahebrao and Subhash, inflicted grievous injuries upon the neck of the complainant – Shankar. The injuries reflected in the medical certificate correspond to the allegation of assault by the applicant using a wooden stick on the neck of the victim. It is, therefore, submitted that the applicant is not entitled to anticipatory bail.

5. I have gone through the investigation papers and the orders passed by this Court. In BA No. 1041 of 2025, this Court granted regular bail to Applicant No. 2 – Subhash Wadje prior to the filing of the charge-sheet. Similarly, in Bail Application No. 1530 of 2025, decided on 18.09.2025, regular bail was granted to applicant – Sahebrao Wadje after filing of the charge-sheet. Perusal of the investigation papers shows that the recovery of the alleged weapons has already been effected by the Investigating Officer during investigation. The charge-sheet has also been filed, showing the present applicant as absconding.

6. Looking to the nature of allegations, the fact that the applicant has no criminal antecedents, and that he is willing to cooperate with the investigation including filing of any supplementary charge-sheet, if required, I am of the opinion that custodial interrogation of the applicant is not necessary. As regards the apprehension of the learned APP that the applicant may threaten the prosecution witnesses, particularly the complainant whose agricultural land is adjacent to that of the applicant in the same village, appropriate conditions can be imposed to safeguard the prosecution. Hence, the following order :-

ORDER

- A) In the event of arrest in connection with FIR bearing Crime No. 0131 of 2025, registered on 06.05.2025 with Kandhar Police Station, District - Nanded for the offences punishable under Sections 118(1), 118(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant - *Balaji Subhashrao Wadje* shall be released on bail on furnishing PR Bond Of Rs. 50,000/-, with one or two sureties in the like amount.
- B) The applicant is directed to attend the concerned Investigating Officer on every Monday and Thursday, between 10:30 a.m. and 01:30 p.m. and shall co-operate with the investigation.
- C) The applicant shall not threaten, influence, or contact the complainant, witnesses, or any family members of the

complainant, nor tamper with the prosecution evidence in any manner. Any single reported incident involving the applicant shall entitle the prosecution to move for cancellation of bail.

D) The applicant shall not enter into village Masalga, Taluka Kandhar, District – Nanded, till framing of the charge.

E) The applicant shall furnish his residential address, contact number, and copies of his Aadhaar / PAN Cards to the Investigating Officer, and shall also provide the names, addresses, and contact numbers of his close relatives for the purpose of verification.

7. The Anticipatory Bail Application is disposed of accordingly.

(MEHROZ K. PATHAN, J.)