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

926 ANTICIPATORY BAIL APPLICATION NO. 1812 OF 2024

Jayesh Kiran Dabhade

VERSUS

The State Of Maharashtra And Another

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Mr R. K. Temkar, Advocate for Applicant.

Mr A. M. Phule, APP for respondents/State.

Mr M. B. Sandanshiv, Advocate for Applicant/Assist to PP

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CORAM : ADVAIT M. SETHNA, J.

DATE : 01 AUGUST 2025

P. C. :

1. Heard the learned Advocates for the parties.
2. The Application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as the Applicant apprehends arrest. The proceedings relate to Crime No.0984/2024. The FIR has been lodged on 06 September 2024 at 17:20 hours registered by the Tophkhana Police Station, District Ahilyanagar. The offences alleged are under Sections 109, 115(1), 189(2), 190, 191(3), 351(2), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 37(1) and 37(3) of the Maharashtra Police Act, 1951. The occurrence of the offences is shown on 05 September 2024. The informant is one Rushikesh Bajrang Mahankal, aged 25 years.

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3. With the assistance of the learned Advocate Mr Temkar for the Applicant and the learned App Mr Phule, I have perused the FIR, record available with the Court and the Charge-Sheet which is also placed on record in these proceedings. At the very outset, the Court's attention is drawn to the order dated 23 October 2024 by which the Applicant was protected. Such protection was continued from time to time until date. The learned APP would not controvert this position. It also appears that the principle reason for granting protection was that the Applicant was getting married on 07 November 2024, which has been observed by the Court in the said order.

4. On perusal of the FIR, it appears that the complaint initially record to incident dated 05 September 2024 at about 10:15 p.m. when the informant and his family members had been to petrol pump to fill petrol in his motorcycle. At that time, while filling petrol, two unknown persons came there on a motorcycle. One of them told the informant to take his vehicle ahead to which he told him to wait till filling of petrol in his motorcycle. Said person thereupon got angry and threatened him. It seems to be cause of dispute which led to a quarrel and that quarrel took a form of an aggravated assault. At such time, two persons with whom he had altercation at petrol pump came

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on motorcycle. It appears that Accused No.1 took out chopper and assaulted the informant and threatened to kill him. As far as the present Applicant is concerned, there is no specific role in regard to the assault and/or any weapon used by him. It appears that he was very much present at the said spot. This is also captured in the CCTV footage.

5. Learned Advocate for the Applicant has placed on record the order dated 25 July 2025 when the main accused i.e. Accused No.1, who had specific role to play i.e. assaulted the informant by chopper, has been enlarged on bail by this Court by the said order. As the incidence is identical and the crime is also the same, the observations in the said order would definitely have bearing in the given facts and circumstances. The Applicant has no criminal antecedents.

6. Mr Sandanshiv, learned Advocate who assist the learned APP would rely upon the observations of the Trial Court in its order dated 09 October 2024, more particularly, paragraph No.7 to submit that a deadly weapon i.e. chopper was used in the said assault on the informant. However, it is not disputed that the said chopper has been recovered. There is no recovery to be done. Also this weapon was not

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used by the present Applicant. Pertinent it is to note that there are two injury certificates which are placed on record by the prosecution, one dated 06 September 2024 by the United City Multi Speciality Hospital where nature of injuries described as simple in nature. There is another certificate of the same Hospital issued after some time i.e. on 22 October 2024 on which the Advocate for informant would rely on, where the injuries are stated to be grievous in nature. Despite the type of injuries as observed in both the certificates are also identical i.e. injuries on the upper limb, forearm, abdomen, etc. there are apparent inconsistencies in these.

7. Pertinent it is to note that the charge-sheet is filed. It is rather intriguing that there is no identification parade to specifically identify the accused persons, until date.

8. Thus, in my view, a prima facie case has been made out by the present Applicant for granting anticipatory bail. Mr Phule would insist that considering peculiar facts and circumstances, physical custody would be required. Mr Sandanshiv learned Advocate would join the prosecution in this submission. However, in my view, considering the totality of facts and circumstances, as noted above, custodial interrogation of the Applicant would not serve any purpose

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in the given factual complexion. Thus, the order dated 23 October 2024 granting protection to the Applicant deserves to be confirmed.

9. For all the reasons above, the following order shall meet the ends of justice :-

O R D E R

(i) In the event of arrest of the Applicant in connection with C.R. No. 0984/2024 registered with Tophkhana Police Station, Dist. Ahilyanagar for the offences punishable under Sections 109, 115(1), 189(2), 190, 191(3), 351(2), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 37(1) and 37(3) of the Maharashtra Police Act, 1951, he is directed to be released on bail on furnishing PR bond in the sum of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.

(ii) The Applicant shall attend the concerned Police Station as and when required. He is further directed to co-operate in the investigation.

(iii) The Applicant shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned Police Station. If there is any change in the contact details, the same shall be immediately informed to the concerned Police Station.

(iv) The Applicant shall not leave the jurisdiction of the Court without prior permission of the Court, until further orders.

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(v) He shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

10. **The Anticipatory Bail Application is allowed in the above terms.**

11. Needless to mention that the observations made in this order are *prima facie* for adjudication of this ABA.

[ADVAIT M. SETHNA, J.]

sjk