



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

ANTICIPATORY BAIL APPLICATION NO. 1866 OF 2025

DHANANJAY S/O ANKUSHRAO NAGARGOJE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER
WITH

CRIMINAL APPLICATION NO. 4106 OF 2025
IN ABA/1866/2025

WITH

ANTICIPATORY BAIL APPLICATION NO. 1874 OF 2025

ASHOK UTTAM DHAKNE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER
WITH

CRIMINAL APPLICATION NO. 4105 OF 2025
IN ABA/1874/2025

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Advocate for Applicants : Mr. Rajendra G. Hange

APP for Respondents/State : Mr. A. S. Shinde

Advocate for Applicant in Cri.Appln. : Ms. Karishma Sarin h/f
Mr. Satyajit Bora

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CORAM : MEHROZ K. PATHAN, J.

DATE : 18th DECEMBER 2025

PER COURT :

1. Heard the learned Counsel for the Applicants, the learned Counsel for assisting the prosecution and the learned APP for the State.

2. The Applicants - Dhananjay and Ashok, have approached this Court, seeking anticipatory bail in connection with Crime No.476/2025 registered with Shivajinagar Police Station, District Beed for the offences punishable under Sections 118(1), 351(2), 352, 115(2), 125, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is that, on 14.09.2017, the informant Ramchandra Gholve, along with his daughter-in-law Pallavi Gholve and others, purchased a residential house situated at Tuljai Chowk by a registered sale deed from Ashok Dhakne. A civil suit in respect of the said house is pending before the Civil Court, Beed. On 20.09.2025 at about 10:30 a.m., the informant, along with Sangeeta Munde, went to the said house at Tuljai Chowk for cleaning. At that place, both the applicants, Ashok and Dhananjay, came there, asked him to transfer the house in their name, and pelted stones at him. The informant warded off some stones, but Ashok Dhakne threw a brick which struck his left ribs and chest, while Dhananjay assaulted him on his left rib, eye, and waist with an iron pipe. They also abused him and threatened to take away his life. Sangeeta Munde intervened in the quarrel, but Dhananjay pushed, assaulted, and abused her. Two unknown persons, along with both the applicants, caught hold of the informant and tore his clothes. Thereafter, Mahesh Akhade, Rajendra Pradhan, and Anil Pradhan pacified the quarrel. Mahesh Akhade then shifted and admitted the informant to Shivaji Hospital. On the basis of the said report, Shivajinagar Police registered Crime No. 476/2025 dated 23.09.2025 for the aforesaid offences.

4. The learned Counsel for the Applicants Mr. Hange submits that the Applicant/Ashok is in possession of the property, and that it was the complainant/Ramchandra Gholve, who came to the spot and created a ruckus, upon which the aforesaid incident occurred. The Applicant/Ashok is attributed with the assault only by means of a brick and has, therefore, been protected by this Court vide order dated 20.10.2021. He has been attending the police station regularly since then and has complied with the conditions imposed, as and when called by the Investigating Officer. The injuries sustained by the informant are simple in nature and are thus a result of the provocation given by the complainant, who had visited the house in possession of the Applicant/Ashok. He therefore submits that instead of Section 118, Section 122 BNS should have been invoked and if the same is invoked, the same is punishable only with five years of imprisonment and hence the Applicants ought to have been released as the same is a bailable offence or else can be protected. He further submits that the deliberately stringent provisions of the BNS have been invoked owing to the influence enjoyed by the complainant/Ramchandra Gholve. The complainant has also managed to obtain the false medical certificates to show that the injuries are grievous in nature only to implicate the Applicants in the serious offence so that he can again take possession of the disputed property. The complainant is residing at Bhagyanagar, Beed. According to the learned Counsel for the Applicants, the Applicant/Ashok is in possession of the property at Tuljai Chowk, Beed and the same was tried to be disturbed by the

complainant/Ramchandra. He therefore submits that neither Ashok nor Dhanajay @ Dhanraj is responsible for the injuries shown to be caused upon the person of the complainant Ramchandra. Thus in his submission this is a fit case wherein both the Applicants Ashok and Dhananjay, shall be protected.

5. As against this, the learned APP as also the learned Counsel for the complainant vehemently oppose the grant of any relief to either Ashok or Dhananjay. The learned APP Mr. Shinde, has made available the investigation papers, which also include the medical certificates of the injured Ramchandra, showing that he sustained grievous injuries. He further submits that, apart from the Applicant/Dhananjay, who is alleged to have used an iron rod to inflict injuries upon the complainant, the Applicant/Ashok also used a brick, which resulted in the fracture of the ribs of the complainant, who is 72 years old. Thus both the Applicants does not deserve to be released on anticipatory bail. The dispute is raised only imaginary and is made with an intention to take possession of the property. This is not a fit case to grant anticipatory bail to both the Applicants.

. The learned Counsel Ms. Sarin holding for Mr. Bora for the complainant also adopts the arguments advanced by the learned APP and submits that the possession of the property is disputed by the Applicant. She has annexed documents of ownership along with the PR. Card. She further submits that the complainant was required to undergo treatment for his injuries from 20.09.2025 to 10.10.2025. She submits that the Applicants if released on bail, may again commit

offences of like nature and thereby cause prejudice to the trial by threatening the complainant and his family members. She therefore prays for rejection of the application.

6. I have gone through the investigation papers. This Court vide its order dated 20.10.2025 was pleased to grant protection to the Applicant/Ashok as there was allegation pertaining to use of brick from the spot at the time of commission of the incident. The Applicant/Ashok was thus directed to attend the police station as and when called by the Investigating Officer. The Investigating Officer has not submitted any report stating that the Applicant/Ashok violated any condition or failed to report to the Investigating Officer when called upon for cooperation in the investigation.

. Be that as it may, these observations are only prima facie in nature only for the purpose to decide the application and may not influence any other proceedings before any other Court. Hence, in my opinion, taking into consideration the nature of the allegations against the Applicant/Ashok and the interim order passed by this Court dated 20.10.2025, I am inclined to protect the Applicant/Ashok, who is alleged to have used only a brick to inflict injuries upon the complainant/Ramchandra, that too from the very spot of the incident, which, according to the complainant, is different from the spot where he resides.

7. Insofar as the Applicant/Dhananjay is concerned, it could be seen from the FIR itself that he is alleged to have used an iron rod

to inflict injuries upon the complainant. The said allegations are also corroborated by the statements of eye-witnesses namely Sangeeta, Mahesh who were witnesses to the assault carried out by Applicant/Dhananjay by means of iron rod. The medical papers show that on the very same day, the complainant was admitted to Shivaji Hospital, Beed, wherein he was diagnosed with a fracture of the 6th and 7th ribs. Thus, there is ample evidence to corroborate the allegations in the FIR. In my opinion, the Applicant/Dhanraj @ Dhananjay does not deserve to be released on anticipatory bail. Hence the following order :

ORDER

(i) The Anticipatory Bail Application No.1866/2025 stands rejected.

(ii) The Anticipatory Bail Application No.1874/2025 is allowed in the following terms :

(a) In the event of arrest of the Applicant - Ashok Uttam Dhakne in connection with Crime No.476/2025 registered with Shivajinagar Police Station, District Beed for the offences punishable under Sections 118(1), 351(2), 352, 115(2), 125, 3(5) of the Bharatiya Nyaya Sanhita, 2023, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties in the like amount, on the following conditions :

(b) The Applicant/Ashok shall attend the Shivajinagar Police Station, District Beed on every Saturday between 11:00 am. to 01:00 pm., till the filing of the charge-sheet.

(c) The Applicant/Ashok shall not tamper with the prosecution evidence and shall not influence the witnesses.

(d) The Applicant/Ashok shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(iii) Both the applications are disposed of.

(iv) Both the applications for assisting the prosecution are disposed of.

MEHROZ K. PATHAN
JUDGE

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