



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 2127 OF 2025**

Ashok Motiram Alias Motilal Lokhande And Others

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....

Advocate for Applicant : Mr. Patwardhan Rohit Prashant, h/f. Jadhav
Sanket Anna

APP for Respondents: Mr. A.A. Khan.

CORAM : MEHROZ K. PATHAN, J.

DATE : 11TH DECEMBER, 2025.

P.C. :-

1. At the outset, the learned counsel for the applicant Shri Patwardhan seeks liberty to withdraw the application in so far as applicant Nos.2 Laxman and 3 Shankar are concerned. Permission granted. The application stands disposed of as withdrawn in so far as applicant Nos. 2 and 3 are concerned.

2. In so far as the applicant No.1 Ashok is concerned, the learned counsel for the applicant submits that applicant Ashok is alleged to have attempted an assault on complainant by means of a sword, however, was not able to inflict the injury as the complainant had somehow saved himself from the assault. It is his submission that, the allegations against the applicant Ashok are exaggerated version of the actual incident as the complainant wanted to implicate all the family members of the applicant No.1. There was a quarrel prior to 4 months, wherein Ashok Shinde, accused No.14 had threatened the informant of dire consequences.

It is further submitted that the applicant is not having any criminal antecedents and he was even not present on the spot of incident and that in the say filed by the prosecution in Criminal Misc. Application 539 of 2025 the prosecution did not speak of recovery of any sword as it was clear that the applicant was not involved in the said offence. It is further submitted that the applicant is ready to abide by any conditions that may be imposed by this Court while releasing the applicant on bail.

3. As against this, the learned APP vehemently opposes the present application on the ground that the allegations are serious in nature. The injury certificate shows a contused lacerated wound sustained by informant Suresh Lokhande and swelling on the left rib. The injured witness is sent for further examination and the report is yet to be received. However, the injury certificate is sufficient enough to reject the bail application. The weapons allegedly used by the applicant is required to be recovered and as such, the applicant may not be released, as there is every likelihood that the applicant, if released on bail, may again indulge in threatening the witnesses and may commit a cognizable offence. Hence, this is not a fit case to release the applicants on bail.

4. I have gone through the investigation papers that are made available by the learned APP. Perusal of the FIR shows that the applicant is attributed the assault by means of sword. The say filed by the prosecution before the Sessions Court that they have to recover the iron rod and wooden stick allegedly used by the accused person. The assault is attributed by iron rod and stick to Laxman Lokhande and Shankar Shinde. The injury certificate is issued by the Medical Officer Gramin Rugnalaya, Ashti shows that injury which is attributed to applicant No.1 Ashok does not correspond to the alleged weapon of assault.

The say filed by the prosecution does not show that the weapon sword is to be recovered from the accused persons and the other two weapons i.e iron rod and wooden stick is to be recovered from the accused persons.

5. Thus, taking into consideration the above facts the false implication of the applicant no. 1 can not be ruled out at this stage, These observations are prima facie in nature and are always subject to the evidence led by prosecution before trial court. However, the apprehension of the learned APP can be taken care of by imposing stringent conditions. Hence, the following order :-

ORDER

[I] In the event of arrest of the applicant No.1, in connection with Crime No.0151 of 2025 registered with Mirajgaon Police Station, Dist. Ahilyanagar for the offences punishable under Sections 118-2, 118-1, 115-2, 189-2, 191-2, 191-3, 190, 126-2, 352, 351-2, 351-3 of Bhartiya Nyaya Sanhita, the applicant, Ashok Motiram @ Motilal Lokhande, be released on bail on furnishing PR Bond in the sum of Rs. 50,000/- , with one or more sureties in the like amount, on the following conditions :

[i] The applicant No.1 shall attend the concerned police station and report to the Investigating Officer (I.O.) every week on Thursday and Friday till filing of charge sheet and shall cooperate with the investigation.

[ii] The applicant No.1 shall not enter the jurisdiction of village Mirajgaon, Taluka Jamkhed, except for attending the police station, till the framing of charge and shall not tamper with the prosecution evidence.

[iii] The applicant No.1 shall submit his Aadhar and Pan card to the I.O and phone number of applicant and his two relatives

[iv] The application is disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-