



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 696 OF 2025

Dadasaheb S/o Baburao Khindkar,
Age : 41 years, Occupation : Business,
R/o. Belwadi, Taluka and District Beed. ... Applicant

Versus

The State of Maharashtra
Through – Investigating Officer,
In Crime No. 057/2025,
Pimpalner Police Station,
Taluka and District Beed. ... Respondent

**WITH
CRIMINAL APPLICATION NO. 1512 OF 2025
IN
BAIL APPLICATION NO. 696 OF 2025**

Omkar S/o Dnyanoba Satpute,
Age : 18 years, Occupation Education,
R/o. Babhulwadi, Taluka and District Beed. ... Applicant
[Intervener]

Versus

1. Dadasaheb S/o. Baburao Khindkar,
Age : 41 Years, Occupation Business,
R/o. Belwadi, Taluka and District Beed.
2. The State of Maharashtra,
Through Police Inspector,
Police Station Pimpalner,
Taluka and District Beed. ... Respondents

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Mr. Sujeet G. Karlekar, Advocate for the Applicant in Bail Application
No. 696 of 2025.

Mr. P. K. Lakhotiya, APP for Respondent-State in both applications.

Mr. P. P. More, Advocate for the Applicant in Criminal Application
No. 1512 of 2025.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 29.04.2025

Pronounced on : 30.04.2025

ORDER :

1. Criminal Application No. 1512 of 2025 is at the instance of original informant, thereby seeking permission to assist learned APP in opposing the Bail Application. For the reasons mentioned in the application, the applicant-original informant is permitted to assist learned APP. Criminal Application No. 1512 of 2025 is accordingly disposed off.

2. Applicant in Bail Application No. 696 of 2025 seeks enlargement on regular bail on account of his arrest in crime no. 57 of 2025 registered at Pimpalner Police Station, District Beed for offences punishable under Sections 307, 323, 324, 342, 120-B, 143, 147, 148, 149, 367, 368, 504, 506 of IPC.

3. Pointing to the date of FIR no. 57 of 2025 to be 13.03.2025, learned would submit that applicant has in fact surrendered himself, rather he being arrested. According to him, crime is primarily motivated both, due to previous enmity as well as on local political

rivalry. Taking this Court through the FIR, it is vociferously submitted that there is delay of more than one year in lodging present FIR. According to learned counsel, the entire tenor of the FIR is ambiguous and non specific. He took this court through the entire FIR and would submit that there are allegations of commission of offence under Sections 367, 368, 307, but the report which is of March 2025, is of alleged occurrence of January 2024. Learned counsel pointed out that, informant claims to have gone for outing on 22.01.2025 and returned at 12.00 midnight, had dinner and again went for outing and further alleges that, his companion Aakash, with whom he went for outing, allegedly made telephone call to unknown person and it is alleged that, in the journey, informant fell asleep and later on, he claims to have learnt that he has been picked up at the instance of present applicant. He pointed out that, informant himself is uncertain who allegedly dragged him, pulled him and abused him. It is further pointed out that, present applicant then alleged that, present applicant one Sanjay Bavne, Omkar Ghule and Rushikesh Jadhav assaulted by means of stick, waist belt and cable. However, according to learned counsel, who was armed with what and who used what, is not clarified or specified. Then there are allegations of assault by fist and kick blows and being pressurized to withdraw the case against present applicant and there is allegation of being hit by someone on

backside of head. Thus, according to learned counsel, entire FIR is full of ambiguous allegations.

4. Learned counsel further submitted that, crime is registered for offence under Section 307, however, surprisingly there is no injury certificate on record. He pointed out that, subsequently, some medical register of a hospital, which was already shown to be closed, is arranged by police to show that informant was treated for the injuries inflicted on him.

5. Learned counsel further pointed out that, this is a classic case which can be said to be abuse of process of law. Learned counsel took this court through the affidavits filed by informant before police authorities as well as in the court, regarding complaint/case filed due to misunderstanding. Thus, learned counsel submits that the very authenticity and creditworthiness of present FIR at the instance of informant who, according to learned counsel, is changing versions before different forums at different times, is itself at stake.

6. It is further submitted that, attempt is made to connect present applicant with some other crimes reported in the district, which are taking rounds on social media and news media and there is a clear

attempt to blow the matter out of proportion, which is apparently politically motivated. That, no recovery has been effected till date. Applicant is behind bars since almost two months. He is ready to co-operate with the investigating machinery. He has roots in the society and he will not misuse the liberty and would rather abide all and any conditions imposed by this Court.

7. Anticipating resistance on the ground of some crimes registered against present applicant, learned counsel sought reliance on the judgment of the Hon'ble Apex Court in *Prabhakar Tewari v. State of Uttar Pradesh and another* [(2020) 11 SCC 648], and would submit that mere registration of previous crimes is no good ground to refuse or deny bail. For all above reasons, learned counsel urges for grant of bail.

8. Learned APP opposed by submitting that, admittedly there is delayed FIR. But according to learned APP, there is reason for the said delay. It is pointed out that, informant, who is a boy of 18 years, was pressurized and terrorized and every attempt was made to prevent him from lodging FIR. Learned APP pointed out that there are videos about the occurrence of which transcripts are drawn. He further pointed out that, though doctor who allegedly treated informant, had

closed his clinic for reasons best known to him, the very register maintained by the doctor in the hospital has been laid hands on by investigating machinery. That, said register contains names of not only present applicant, but other patients also. Thus, according to learned APP, it would be improper to allege manufacturing or creation of medical papers. He pointed out that there are bills of medicines and surgical equipments required for the procedure of treatment. That, informant suffered cut injuries.

9. Learned APP also pointed out that, apart from above overwhelming evidence, there are CDRs to connect present applicant, establishing locations which are matching information given by the informant. According to learned APP, investigation is still in progress. Applicant already has criminal antecedents to his credit and for all above reasons, he urges for rejection of bail.

10. Learned counsel for informant also strongly opposed by again taking this Court through the FIR and questioned as to how a boy of 18 years of age, who is undertaking education, would have any political motive to rope in persons like applicant who have criminal antecedents. Learned counsel also took this Court through the length and breadth of FIR and would submit that real occurrence has been

narrated. That, there were threats to withdraw cases. That, there are video clips which are flashed on major TV channel. That, there is *modus operandi* of kidnapping persons, encircling them and shooting video of actual assault. That, such activities are conducted to create terror in the mind of people.

11. Learned counsel for informant pointed out that, to pressurize the present applicant for withdrawing the cases and FIR, his father, who is a respectable member, was tried to be involved in a false case of rape. That, to such extent applicant and his associates have gone to. Precisely due to such tactics, there is delay in FIR. Later on, courage was mustered in lodging instant FIR, wherein various reasons are quoted for delay and as such, according to him, there is plausible explanation for delay. He too opposed the ground that investigation is still incomplete. He added that present applicant is politically well connected and police machinery is being pressurized to cover up their illegal activities. For all above reasons, he strongly opposes relief of bail.

12. Heard at length. Perused the FIR in question, which is apparently of 13.03.2025 at the instance of one Omkar Dnyanoba Satpute, who reported his age as 18 years and to be studying in 12th

standard. According to him, on 31.12.2023, he along with his friend Samadhan were proceeding on motorcycle towards Belwadi. That time, present applicant and his associates allegedly questioned him for being in company of Samadhan and further questioned why his bail was obtained and beat him. Regarding such incidence, crime was reported at Pimpalner Police Station.

13. He further reported that, two days thereafter i.e. on 02.01.2024, at the instance of present applicant, crime was registered against his father leveling allegations of rape and atrocity. He claims that, later on, he got job at Pune due to connections of Rushikesh. That, later on while in Pune, he got call from accused Akash informing that bail of Samadhan, who is apprehended under MPDA Act, is to be arranged. On 22.01.2024, accused Akash Dalve, Pappu Ghule and Khonya Chavan met him and suggested going for an outing, and accordingly they left on two motorcycles to Khadakwasla dam, Rajgad Fort and returned to Pune. He claims that on suggestion of Akash to go out, again they travelled in a Ertiga car allegedly arranged by Akash. Informant claims that he fell asleep and when he woke up and questioned their location, he was allegedly informed by Akash and others that present applicant had asked them to pick up informant and bring him to Beed and to accompany them. He alleged

that, in the vehicle, someone dragged and beat him. Then he named present applicant, Sanjay Bavne, Omkar Ghule and Rushikesh Jadhav for beating him by means of stick, belt, cable, and he was made to sit in a Scorpio which informant claims to be owned by present applicant, and he gave its number as MH-23-BC-0999. He claims that, vehicle was driven by Jyotiram Bhate whom he knew, and in the car at that time, present applicant, Omkar Ghule, Rushikesh Jadhav, Sanjay Bavne, Akash Dalve, Puppun Ghule, Khonya Chavan were sitting and he was even given beating by means of fist and kick blows. He was asked not to be in the company of Samadhan and even to withdraw case filed against present applicant or else he will be done to death. He was hit by someone on backside of head causing bleeding injury.

14. Further, again informant has narrated that on 23.01.2024, he was brought to the field of present applicant, beaten there also on the background of being in the company of Samadhan and pressurizing him to withdraw the complaint filed against applicant. Then informant has reported about, on his request he being taken to hospital, being taken to room of one Omkar Ghule, detained there for two days; present applicant making calls to his father to give understanding to his son and suggesting withdrawal of complaint by

approaching police and court, and informant accordingly, on suggestion of his father, withdrawing the same. Then he reported about conversation with Samadhan and learning from him about video going viral on social media, watching it and thereafter lodging report.

15. Thus, sum and substance of the above FIR is that, present applicant was picked up from Pune, brought to Beed in a vehicle and on the way being beaten for being in the company of Samadhan, who is said to be brother of present applicant, helping Samadhan in securing bail and for withdrawing complaint lodged by present informant regarding occurrence dated 31.12.2023.

16. Today, while arguing for bail, much emphasis is laid on the aspect that FIR is motivated due to political rivalry; secondly, contents of the FIR are ambiguous and uncertain; there is no injury certificate, rather manufactured medical papers and record is managed with the sole intention to keep applicant behind bars as he is said to be one of the key witnesses in another murder case in Beed which has gained much popularity and has some political nexus.

17. After considering the above submissions of learned counsel for applicant, learned APP as well as learned counsel for informant, and on visiting the police papers placed before this court, though, as submitted, FIR is immensely belated, as pointed out, there are allegations of exerting pressure, beating, kidnapping, allegations of false implication of father of informant merely to see that report lodged by present informant against present applicant regarding occurrence dated 31.12.2023 is withdrawn.

18. Police papers contain not only statement of informant under Section 164 Cr.P.C., but also panchanama of transcript of alleged video of beating given to informant by present applicant by means of fiber stick, Sanjay Bavne by means of waist belt, Omkar Ghule using cable after Rushikesh Jadhav disabled informant by catching hold of his lower limbs. This panchanama is downloaded by using pendrive handed over to police, which is apparently shown to be seized in presence of panchas.

19. Apart from such material, there is statement of the very doctor, who has allegedly treated informant on 23.01.2024 itself at Samarth Hospital. Learned APP made a statement that, hospital register itself is laid hands on by investigating machinery.

20. Taking above material into consideration, it cannot be said at this stage that informant's version is motivated. Delayed FIR is not the sole ground to disbelieve informant's version, more particularly when in the report itself, reasons are assigned for late reporting. Learned APP has placed on record papers of previous crimes to the credit of applicant. Another important aspect is that, investigation is still in progress. Consequently, in the light of nature of allegations and police papers, this Court is not inclined to grant relief as prayed. Hence, I proceed to pass the following order :

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]

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