



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1228 OF 2025

Prashant Shankar Kute
Versus
The State of Maharashtra & Anr.

AND
ANTICIPATORY BAIL APPLICATION NO. 739 OF 2025 (NOB)

Tinku alias Sushil Tushar Walke
Versus
The State of Maharashtra & Anr.

Mr. N. B. Narwade for the Applicant.
Mr. A. V. Lavte, APP for the State in ABA/1228/2025.

CORAM : ADVAIT M. SETHNA, J.
DATE : 5 AUGUST 2025

P. C.:

1. The matter is listed for the first time today.
2. **Issue Notice** to the Respondents. Mr. Lavte, learned APP waives service for the State.
3. Heard learned counsel for the parties.
4. These proceedings arise out of CR No.0126 of 2025. The FIR is lodged on 13 April 2025 at 23:30 hours by the Paithan Police Station, Chhatrapati Sambhajanagar. The date of occurrence of the alleged incident as stated in the FIR is 12 April 2025. The FIR has been registered under Sections 352, 351(3), 191(2), 190, 189(2), 119(2), 119(1) and 115 of the

Bharatiya Nyaya Sanhita, 2023 (“**BNS**”). The informant is one Bappasaheb Baban Madke, age 39 years. There are six accused persons as noted in the FIR, out of whom, accused No.5 is the Applicant before the Court. At the outset it is stated that accused No.4 i.e. Tinku Walke has been protected by an order of this Court dated 3 July 2025.

5. With the assistance of learned counsel for the parties, I have perused the FIR and record available with the Court. It is not in dispute that the incident of 12 April 2025 which is relevant to the present proceedings is also the same as in the Anticipatory Bail Application No.739 of 2025 where by an order dated 3 July 2025 accused No.4 was granted protection. Not just this but the crime is identical and the FIR is also the same. A perusal of the FIR in this proceeding would reveal that there is no specific role attributed to this Applicant as his name is stated along with the several other co-accused whose names appear in the FIR.

6. Mr. Narwade, learned Advocate for the Applicant at this juncture would refer to paragraph 9 of the Application where there is a categorical averment that on 12 April 2025 between 3 p.m. to 3:30 p.m. the present Applicant, who is a student, was at Pathardi town merely 40 kms. from Paithan i.e. where the incident took place. As the Application is listed for the first time today, Mr. Lavte would take appropriate instructions even in this regard.

7. Considering the above, at this stage, *prima facie*, in my view,

the Applicant who is the student, whose bonafide certificate is also annexed to the Application deserves to be protected *inter alia* in light of the protection granted to the co-accused in the same crime by order dated 3 July 2025 in Anticipatory Bail Application No.739 of 2025 by the following order:-

ORDER

- (i) Until the adjourned date of hearing, in the event of arrest of the Applicant, in connection with CR No. 0126 of 2025 registered with Paithan Police Station, Chhatrapati Sambhajnagar for the offences punishable under Sections 352, 351(3), 191(2), 190, 189(2), 119(2), 119(1) and 115 of the BNS, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.20,000 (Rupees Twenty Thousand Only) with one or more sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation and shall attend the concerned police station on every Monday at 11:30 a.m., until further orders.
- (iii) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.

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

(v) The Applicant shall not influence the witness/es and/or tamper evidence in any manner whatsoever.

8. The protection granted to the Applicant shall continue until the adjourned date of hearing.

9. As far as Anticipatory Bail Application No.739 of 2025 is concerned, it is submitted that the protection granted to the Applicant was until today. The same may be extended for a further period of three weeks and shall continue until the adjourned date of hearing.

10. List both the captioned Anticipatory Bail Applications for further consideration on **26 August 2025**.

[ADVAIT M. SETHNA, J.]