



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1305 OF 2025

Atul Kisan Date & Ors.

Versus

The State of Maharashtra & Anr.

Mr. Shashikant Shekade for the Applicants.

Mr. M. K. Goyanka, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 31 JULY 2025

P C.:

1. The Application is listed for the first time today.
2. Issue notice to the Respondents. Mr. Goyanka, learned APP waives service for the State.
3. This is an Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as the Applicants in the present proceedings apprehend arrest.
4. These proceedings arise out of CR No.0541 of 2025. The FIR is lodged on 7 July 2025 at 18:07 hours by the Parner Police Station, District Ahilyanagar. The date of occurrence of the alleged incident as stated in the FIR is 3 July 2025. The FIR has been registered under Sections 118(2), 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”). The informant is one Abhinay Vishnu Kokate, age 28 years. With the assistance of the learned Advocate for the Applicants and Mr. Goyanka, learned APP, I have perused the FIR and record available with the Court.

From a perusal of the FIR, it appears that there are two incidents. One is on 2 July 2025, followed by second incident on 3 July 2025. Briefly, on 2 July 2025, the present informant-Abhinay Kokate had gone to Alephata for birthday of his friend namely Kiran Aher. They went in hotel for taking food. At that time, Applicant No.1-Atul Kisan Date was sitting in the nearby chair. He was drinking beer, when the informant told Applicant No.1 not to drink beer. The Applicant No.1 got angry and assaulted the informant by means of bottle of beer. Therefore, a case was registered against Applicant No.1. Police referred him to PHC for medical treatment. From there he was referred to hospital for CT scan. On next day i.e. 3 July 2025, at about 21:20, the informant and his brother Sanket went to the hotel of Applicant No.1 to resolve the dispute. However, there was again dispute that erupted between them and all Applicants along with other persons assaulted the informant and his brother by means of iron rod. Because of the assault, the informant and his brother sustained grievous injuries. However, Applicant No.1-Atul Date filed CR No.0529 of 2025 against the informant, who is arrested in that case. It appears that as he was assaulted by the Applicants, a cross complaint was filed. In such circumstances, the complaint was lodged and FIR came to be registered.

5. From a perusal of the FIR, the role of the Applicants, more particularly Applicant Nos.2 and 3 i.e. Accused Nos.2 and 3 come to the fore as recorded on 3 July 2025. In the quarrel which aggravated into an assault

between the parties, the Applicant Nos.2 and 3 have by means of fist, kicks and blows allegedly assaulted the informant. As far as the Accused No.1 is concerned, it is stated that he has used an iron rod to assault the informant, who also is allegedly involved with the first incident on 2 July 2025 (supra). The said iron rod is to be recovered.

6. Mr. Shekade, learned Advocate for the Applicants would urge the Court to refer to the cross complaint, which culminated into an FIR in CR No.0529 of 2025 dated 4 July 2025, where the Accused No.1 is the informant. This was lodged against the informant in the present proceedings. It appears that there was a free fight between the two groups, where both the Applicants and informant have been injured.

7. Mr. Goyanka, at this stage, would submit that as far as Applicant No.1 is concerned, there is a repeated act of alleged assault at his instance and the injuries also appears to be grievous at this stage.

8. The Applicants have no criminal antecedents as submitted by the learned Advocate for the Applicants. At this stage, considering the above factual matrix in my view, the interest of justice would be served by granting protection to Applicant Nos.2 and 3, more particularly considering the limited role ascribed to them in the FIR. Accordingly, the following order is passed, which in my opinion would serve the ends of justice:-

ORDER

(i) Until the adjourned date of hearing, in the event of arrest of

the Applicant No.2-Rahul Kisan Kshirsagar and Applicant No.3-Akshay Jijabapu Hingade in connection with CR No.0541 of 2025 registered with Parner Police Station, District Ahilyanagar for the offences punishable under Sections 118(2), 115(2), 352, 351(2) and 3(5) of the BNS, they are directed to be released on bail on furnishing PR bond in the sum of Rs.20,000 (Rupees Twenty Thousand Only) each with one or more sureties in the like amount.

- (ii) The Applicant Nos.2 and 3 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 Nos.2 and 3 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 Nos.2 and 3 shall not leave the jurisdiction of the Court without prior permission/order of the Court, until further orders.
- (v) The Applicant Nos.2 and 3 shall not influence the witness/es and/or tamper evidence in any manner whatsoever.

9. It is made clear that this protection is granted only to Applicant

Nos.2 and 3. This order would not be applicable to Applicant No.1-Atul Kisan Date.

10. List the proceedings for further consideration on **21 August 2025**.

11. The protection granted to Applicant Nos.2 and 3 shall continue until the adjourned date of hearing.

[ADVAIT M. SETHNA, J.]