



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 378/2025

GANESH RAJARAM SULAKHE ..APPLICANT

VS

STATE OF MAHARASHTRA ..RESPONDENT

Adv. Narayan G. Rokade a/w. Adv. Abhang Suryawanshi, Adv.
Siddharth Ghodke for the applicant.

Mr. Ajay S. Patil, APP for the State.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 17, 2025.

P.C. :

1. This application is filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in
connection with First Information Report (FIR) No. 493/2024
registered with Wavi Police Station, Nashik Rural, for the offence
punishable under Sections 115(2), 118(2), 189(2), 190, 191(2),
191(3), 351(2), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The present applicant is accused no. 4. It is the case of the
prosecution that on 14/12/2024, when father of complainant went to

their agricultural land the accused persons unlawfully assembled. When he went near the motor at that time, he was abused. When the father of informant tried to explain them, the present applicant assaulted him by iron axe on head and also assaulted Yogita (wife of the present applicant) on her head and knee who had tried to intervene. Other accused thereafter assaulted informant by wooden log on his hand in which he sustained injury to his left hand, as well as he was abused. The accused also threatened them of dire consequences. Hence, the FIR has been lodged.

3. It is the case of the applicant that the false FIR has been lodged. So also, there is a delay in filing the FIR and purpose of filing the FIR is to counter the civil suit. The objection was raised to the sale deed executed in favour of the Babasaheb Kandalakar and hence, a false offence has been registered. It is submitted that the informant had hired gundas for assaulting the informant. The applicant was injured and for the injury caused by the gundas, he is taking medical treatment. As far as present FIR is concerned, the co-accused has already been released on the anticipatory bail. There is no criminal antecedents reported against the present applicant. He is ready to abide by all the terms and conditions. Therefore, he can be released on bail.

4. The learned APP has opposed the present application. He submitted that the accused persons had assembled unlawfully and had assaulted the father of the informant by using iron axe. The applicant had injured the father of the informant on his head. Thereafter, by a wooden stick the father of the informant and also wife of the applicant were severely injured. If the present applicant is released on bail, there is every likelihood that he will commit the same type of the offences. Further, the co-accused persons who have been released on anticipatory bail are not co-operating with the investigation. Hence, the custody of the present applicant is required.

5. I have gone through the contents of the FIR and the documents on record. There is specific allegation against the present applicant that by using the iron axe he had hit the father of the informant on his head and he had in fact assaulted his own wife Yogita. It appears that Yogita the wife of the present applicant had tried to avoid the fight. The weapon used by the applicant in the incident has not been recovered till date. The other co-accused who have been released on bail are not co-operating with the investigation. There is every possibility that the applicant, if release on bail, will be dangerous to the life of the witnesses, hence, according to me, no case is made out grant any kind of protection to the applicant. Therefore, the present

anticipatory bail application is rejected and disposed of accordingly.

(RAJESH S. PATIL, J.)