

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.2314 of 2025

1. Hiranman Pandurang Sadgir
Age: 62 years, Occ: Agriculture
2. Krushna Walmik Shinde
Age: 20 years, Occ: Agriculture
3. Dnyaneshwar Dashrath Shinde
Age: 31 years, Occ: Agriculture
4. Sukhdev Murlidhar Shinde
Age: 51 years, Occ: Agriculture
All R/o.: Mamadapur, Taiwala,
Tal- Yeola, Dist. Nashik

... Applicants

Versus

The State of Maharashtra
Through Yeola Taluka Police Station
Dist- Nashik

... Respondent

Mr Narayan G Rokade, a/w. Mr Vikrant Kadam, Mr Ramchandra Wagh and Mr Siddharth Ghodke, for the applicants.

Mr SV Walve, APP, for the respondent/ State.

HC/1075 RB Binnar, Yeola Taluka Police Station, Nashik Rural is present.

Coram: R.N. Laddha, J.

Date: 22 August 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.265 of 2025, registered at Yeola Police Station, Nashik Rural, for offences punishable under Sections 115(2), 118(1), 189(2), 191(2), 191(3), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. The prosecution alleges that on 11 July 2025, at about 8:30 a.m., the applicants along with co-accused formed an unlawful assembly and assaulted the informant and her husband with an iron rod and wooden stick.

3. The learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely roped in due to prior enmity and strained relations with the informant. In respect of the same incident, a cross-FIR has been registered against the informant and her husband, which *prima facie* indicates that the dispute is a case of mutual assault rather than a one-sided attack. The existence of cross versions itself diminishes the credibility of the prosecution's allegations that the applicants were aggressors. The learned Counsel further submits that the investigation has already been completed and nothing remains to be recovered or discovered from the applicants. The weapons alleged to have been used in the

commission of the offence have already been seized from the co-accused. Hence, custodial interrogation of the present applicants is neither necessary nor warranted. The learned Counsel submits that the allegations, though serious in language, are general and omnibus in nature. No specific overt act or individual role has been attributed to each of the applicants. The broad allegation of having formed an unlawful assembly and assaulted the informant lacks the precision necessary to justify pre-trial incarceration.

4. The learned Additional Public Prosecutor representing respondent No.1/ State opposes the application on the ground of seriousness of the offence but fairly concedes that the weapons were recovered from the co-accused and the investigation has been concluded.

5. Upon perusing the records it appears that a cross FIR exists, thereby disclosing two rival versions of the same incident. *Prima facie* the allegations appears to be omnibus and not supported by any specific overt act attributed individually to the applicants. The investigation has been completed and nothing remains to be recovered or discovered from the applicants. The weapons allegedly used in the crime have already been recovered from the co-accused. No purpose will be served by subjecting the applicants to arrest, and their liberty

need to be safeguarded, subject to reasonable conditions.

6. In these circumstances, the application is allowed on the following terms.

(i) In the event of the applicants' arrest in connection with CR No.265 of 2025, registered at Yeola Police Station, Nashik Rural, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants shall attend the concerned police station as and when required by the investigating officer till filing of the charge sheet.

(iii) The applicants, either themselves or through any other person, shall not indulge in any activities that may lead to evidence tampering or witness influence.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)