

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2420 OF 2025

Kailas Arjun Dhawale & Anr. ...Applicants
Versus
The State of Maharashtra ...Respondent

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Mr. Narayan G. Rokade a/w Siddharth Ghodke, Ramchandra Wagh
& Swapnil S. Kalokhe, for the Applicants.
Mr. S. A. Karmakar, APP, for the Respondent-State.
P.S.I. Amit Patil, Bhigwan Police Station, District - Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 17 OCTOBER 2025

PC:-

1. Heard Mr. Rokade, learned Counsel appearing for the Applicants and Mr. Karmakar, learned APP for the Respondent-State of Maharashtra.

2. By this Anticipatory Bail Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* ("BNSS"), the Applicants are seeking pre-arrest bail in connection with CR No.412 of 2024 registered with the Bhigwan Police Station, District-Pune Rural, for the offences punishable under Sections

109, 118(1), 189(4), 190, 191(2) and 191(3) of the *Bharatiya Nyaya Sanhita, 2023*.

3. The learned Additional Sessions Judge, Indapur, District-Pune by the Order dated 22nd August 2025 passed in Criminal Bail Application No.226 of 2025 has rejected the said Criminal Bail Application. The prosecution case is set out in Paragraph No.2 of the said Order dated 22nd August 2025, which reads as under :-

“2. The brief facts, which led to the filing of the charge sheet can be summarized, as under -

The FIR dated 10.12.2024 came to be lodged by informant Mahadeo Devkate alleging that on 09.12.2024, around 2.30 p.m. he had gone towards his agricultural land and at about 4.30 p.m. his family members by name Atul and Manisha started to return back from the field towards the house. Suddenly they heard their shouting and therefore, he rushed there and saw that person by name Rushabh, Amit, Aditya, Avinash, Parth, Balasaheb. Rajendra and Kailas having formed an unlawful assembly were beating Atul. At that time, Rushabh was armed with a sword. Amit, Aditya, Avinash and Parth were armed with iron rod and Balasaheb, Rajendra & Kailash were armed with sticks of the spade. They were so assaulting him with an intention to kill him. He also saw that Manisha was also being beaten by them, when she came for the help of Atul. By raising shouts, he reached the spot and on seeing him all the above named accused persons ran away from the spot. Making such allegations, the FIR came to be lodged and the offence as above came to be registered under aforesaid sections of B.N.S. Some of the associates of

applicants came to be arrested and charge sheet bearing RCC No. 139 2025 has been filed in the Court of JMFC. The present applicants apprehend their arrest in the present crime and therefore, they are seeking protection by way of anticipatory bail.”

4. It is the main contention of Mr. Rokade, learned Counsel for the Applicants that Applicant No.1 is a senior citizen of 75 years, the Applicant No.2 is about 51 years. Charge-sheet has already been filed. The main Accused were arrested and released on the regular bail.

5. On the other hand, Mr. Karmakar, learned APP, strongly opposes granting anticipatory bail. He submits that the Applicants have also played the major role in the crime.

6. Perusal of the record shows that Applicant No.1 is 75 aged years and the Applicant No.2 is about 51 years old. Charge-sheet is already filed against the other Co-Accused, which clearly shows that the investigation is substantially completed. As far as the present Applicants are concerned, Mr. Rokade, learned Counsel for the Applicant, states that the Applicants will cooperate with the investigation.

7. Accordingly, the case is made out for grant of anticipatory bail. In view thereof, the following Order is passed:

ORDER

- (a) In the event of arrest of the Applicant No.1 - Kailas Arjun Dhawale and Applicant No.2 - Balasaheb Sarjerao Dhawale, in connection with CR No.412 of 2024 registered with the Bhigwan Police Station, District-Pune Rural, they be released on bail on their furnishing PR Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.
- (b) The Applicants shall attend the concerned Police Station on 30th October 2025 and 31st October 2025 between 11:00 am to 02:00 pm and shall cooperate with the investigation.
- (c) The Applicants shall furnish their cell phone numbers and residential addresses to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicants shall not directly or indirectly make

any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

- (e) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

- 8. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]