

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3476 OF 2025

1. Mhalu Narhari Bhabad	...Applicants
2. Rakhmabai Mhalu Bhabad	
3. Suyog alias Sanket Mhalu Bhabad	
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Shailesh Kharat, Advocate for Applicants.
Ms. S.K. Gajre, APP for the State.
API, Mr. Jitendra Patil, MIDC Sinnar Police Station, Nashik Rural.

CORAM: MADHAV J. JAMDAR, J.
DATED : 17th December 2025

P.C.:

1. Heard Mr. Kharat, learned Counsel appearing for the Applicants and Ms. Gajre, learned APP for the State.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”), the Applicants are seeking pre-arrest bail in connection with C.R. No.45 of 2025, registered on 15th February 2025, with M.I.D.C., Sinnar Police Station, Nashik Rural, for the offences punishable under Sections 74, 109(1), 118(1), 115(2), 333, 189(2), 189(4), 191(2), 190,

352, 351(2), 324(4) of the Bharatiya Nyay Sanhita, 2023 (“**B.N.S.**”).

3. The prosecution case is set out in paragraph No.2 of the Anticipatory Bail Application, which reads as under :-

“2.1. It is alleged that on 14/02/2025 at 4:30 pm, Sagar Bhabad was very drunk and along with his associates Atul Sonawane, Samadhan Somnath Kedar, Pranav Bhausahab Kedar and others came to the shop of complainant and asked where is her son Tushar and looked at her angrily.

2.2. It is alleged that around 5:30 pm, Sagar Bhabad and his companions Atul Prakash Sonawane, Samadhan Somnath Kedar, Omkar Domade, Pranav Bhausahab Kedar, Sagar Bhabad's wife Nirmala Sagar Bhabad, Ujwala Sandeep Bhabad came near Shivram Bhaguji Bhabad's house with iron rods, scythes, and swords in their hands and entered Shivram Bhaguji Bhabad's house abusing him in obscene language.

2.3. It is alleged that Sagar Bhabad came in front of complainant's mother-in-law Sarlabai Rakhma Bhabad, Bababai Shivram Bhabad, and Harshada Ganesh Bhabad who were in the house and abused them in obscene language. Looking at them, he took off his pants, made obscene gestures and used obscene language and did such an act that they would feel ashamed. After that, they all came out and started abusing all of complaint's family.

2.4. It is alleged that Sagar Bhabad and his friends Atul Prakash Sonawane, Samadhan Somnath Kedar, Omkar Domade, Pranav Bhausahab Kedar, Sagar Bhabad's wife Nirmala Sagar Bhabad, Ujjwala Sandeep Bhabad, assaulted the Shivram Bhaguji Bhabad, Somnath Bhaguji Bhabad, Gorakhnath Somnath Bhabad, Anil Rakhma Bhabad, Karbhari Namdev Bhabad, Suraj Gorakh Bhabad, Shivram Bhaguji Bhabad, Ganesh Rakhma Bhabad, Shrirang Tukaram Bhabad, Rahul Shrirang Bhabad, Nikhil Shrirang Bhabad, Chhababai Somnath Bhabad, Bababai Shivrabh Bhabad, Sarsabai Rakhma Bhabad, Suman Shrirang Bhabad, Anita Karbhari Bhabad, Swati Karbhari Bhabad, Kausabai Namdev Bhabad, Divya Gorakh Bhabad, with weapons like iron rods and sickles in their hands.

2.5. Sandeep Bhabad, who came from behind, used some iron weapon in his hand to hit Gorakhnath Bhabad on the head and hand, when Suraj Gorakhnath Bhabad went to rescue him, Sandip Bhabad hit him on the right hand and seriously injured him. Then, while they were fighting, Jagan Narhari Bhabad, Mhalu Narhari Bhabad, Akshay Mhalu Bhabad, Omkar Jagan Bhabad, Mira Jagan Bhabad, Rakhma Mhalu Bhabad, Sagar Rambhau Karad, Sanket Mhalu Bhabad came from behind and they also beat Gorakhnath Somnath Bhabad, Anil Rakhma Bhabad, Karbhari Namdev Bhabad, Suraj Gorakh Bhabad, Shivram Bhaguji Bhabad, Ganesh Rakhma Bhabad, Shrirang Tukaram Bhabad, Rahul Shrirang Bhabad and others with iron rods and axes in their hands and caused them to suffer. Also, the Scorpio car no. MH04 DW 5902 was also damaged by breaking the glass. When Ganesh Rakhma Bhabad was driving away from there in a hurry, suddenly Sagar, who was in a Maruti-Bhabad, got hit by

the car and got injured. When the other people who were with him left there, shouting insults loudly. After that, all of us who were injured came to Shivaji Hospital in Sinnar for treatment. And according FIR came to be lodged against the present Applicants and other co-accused persons.”

4. Mr. Kharat, learned Counsel for the Applicants states that the Co-Accused i.e. Accused No.6 has already been granted anticipatory bail by this Court by Order dated 3rd October 2025 passed in Anticipatory Bail Application No. 2746 of 2025. He submits that the Applicants are not involved in the crime and the injuries are simple in nature. He submits that this is a case where cross-F.I.R. has been filed and in fact one of the family member of the Applicant has been killed in the incident. He submits that the Applicants have no antecedents and Charge-sheet is already filed and therefore the Anticipatory Bail Application be granted.

5. On the other hand, Ms. Gajre, learned APP strongly opposes the Application. She submits that the Applicants are involved in the crime and assaulted the injured and therefore the Anticipatory Bail Application be rejected.

6. Perusal of record shows that there is rivalry between two families i.e. the Applicant's family and the family of the First

Informant. There is a cross-F.I.R. being C.R. No.44 of 2025, registered at M.I.D.C. Sinnar Police Station, Nashik Rural on 15th February 2025, for the offences punishable under Sections 103(1), 118(1), 118(2), 126(2), 189(2), 189(4), 190, 191(2), 324(4), 351(2), 352 of the Bharatiya Nyay Sanhita, 2023 (“**B.N.S.**”). In the said case, Sagar Bhabad i.e. the near relative of the Applicants has been killed.

7. Although the allegations against the Applicants are that they have assaulted the injured, the injuries are simple in nature. There are total 17 Accused, one accused has passed away, 6 Accused have been granted anticipatory bail and 7 Accused have been arrested and granted regular bail. The Charge-sheet is already filed against 11 Accused. Thus the investigation is almost completed. There are no antecedents against the Applicants. The Applicant No.1 is farmer of 55 years old, Applicant No.2 is lady of 55 years. Accordingly, by imposing conditions, anticipatory bail application can be granted. Hence, the following Order :-

ORDER

- (i) In the event of arrest, the Applicants –1) Mhalu Narhari Bhabad, 2) Rakhmabai Mhalu Bhabad and 3)

Suyog alias Sanket Mhalu Bhabad be released on bail in C.R. No.45 of 2025, registered on 15th February 2025, with M.I.D.C., Sinnar Police Station, Nashik Rural, for the offences punishable under Sections 74, 109(1), 118(1), 115(2), 333, 189(2), 189(4), 191(2), 190, 352, 351(2), 324(4) of the Bharatiya Nyay Sanhita, 2023, on their furnishing P.R. bond of Rs.50,000/- each with one or two sureties in the like amount.

- (ii) The Applicants shall report to the concerned Police Station as and when required by the Police.
- (iii) The Applicants shall furnish their cell phone numbers and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (iv) 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.

- (v) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant, or any witness, in any manner.
- (vi) The Applicants shall not leave India without permission of the Court.

8. The Anticipatory Bail Application is allowed and disposed of accordingly.

BHALCHANDRA
GOPAL DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2025.12.17
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