IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1640 OF 2026

Sampat Shivram Savale
VERSUS
The State Of Maharashtra And Another

Mr. K. N. Shermale, Advocate for applicant
Ms. R. P. Gour, APP for respondent-State

CORAM : R. M. JOSHI, J.
DATE : 29th OCTOBER, 2026

PER COURT :-

1. Applicant seeks pre-arrest bail in connection with Crime No. 0160 of 2026 registered with Rajur Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 115(2), 118(1), 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. First Information Report indicates that an incident had occurred on 25.05.2026 at about 3:00 PM in which the present applicant and co-accused said to have assaulted informant and his father. Allegation against present applicant is of causing assault with stick on informant whereas co-accused assaulted father of informant with iron rod.

3. Learned Counsel for applicant submits that there are counter reports in respect of the same incident which creates possibility of false/over implication. It is his further submission that there are disputes between the parties and, as such, this Court is required to take into

consideration said aspect for the purpose of deciding the application. It is his further submission that co-accused against whom there is allegation of causing assault on the head of father of the informant has been granted pre-arrest bail. It is his submission that now charge sheet has been filed and, as such, there is no question of any custodial interrogation of the applicant. He drew attention of the Court to the contents of charge sheet which according to him indicates that injury certificate issued by the Medical Officer is doubtful since the nature of injury being simple which was subsequently changed to grievous injury. In any case, it is his submission that grievous injury is not attributable to the present applicant and, as such, he is not entitled to pre-arrest bail. There is free fight between two groups and which makes it not possible to assume any particular injury to the present applicant. To support his submission, he placed reliance on order passed by this court dated 08.10.2026 in Anticipatory Bail Application No. 1414 of 2026. He referred to the observations of the Court in Paragraph Nos. 6 and 7 of the said order.

4. Learned APP opposed grant of pre-arrest bail to the applicant by referring to the allegations against him in the First Information Report. Concurrently, learned APP is having charge sheet in counter report i.e., Crime No. 161 of 2026 to submit neither applicant nor any one from applicant’s side was taken to hospital.

5. Needless to say that mere filing of the charge sheet does not

become a sole ground for grant of pre-arrest bail. Applicant claims that it is a case of free fight. To indicate so, there is absolutely no evidence. Neither applicant nor any one from the applicant's side has received any injury whereas injuries are caused to informant and other five persons. This indicates the manner in which applicant's side caused assault on these persons.

6. Though injury certificate has sought to be taken exception by the learned Counsel for applicant, perusal of these injury certificates indicate that one is provisional certificate whereas other is final injury certificate.

7. Having regard to the said fact, this Court finds no substance in the argument of learned Counsel for applicant creating doubt about said injury. Perusal of the order granting pre-arrest bail to the co-accused indicates that the Sessions Court has considered essentially the fact that the said co-accused is aged about 74 years. Grant of bail to the co-accused, therefore, does not become a ground to allow present application.

8. Perusal of the First Information Report indicates that co-accused and present applicant assaulted the father of the informant and other witnesses with rod and stick. Thus, it is *prima facie* seen that the accused had common intention to cause assault and accordingly caused assault to others including father of the informant. Learned Counsel for

applicant has placed reliance on the order of this Court mentioned above. It would be relevant to take note of the observations made in Paragraph Nos. 6 and 7 which reads thus :-

> *"6. When this application was moved for the first time for ad-interim relief, learned Counsel for the informant, relying upon the injury certificate made a positive statement that grievous injury is attributable to the present Applicant. Considering the said statement, no relief was granted to the Applicant then.*
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> *7. Now, there is evidence on record to indicate that the grievous injury was attributed to the co-accused and not to the present Applicant. This is absolutely clear from the order passed by the Sessions Court while granting regular bail to the co-accused. Infact, it does not lie in the mouth of the informant that the grievous injury or same grievous injury also is attributable to the present Applicant. Having regard to the fact that the injury attributable to the present Applicant is simple in nature and considering the disputes between the parties, possibility of over implication exists."*

9. This order indicates that on the date of first hearing on behalf of informant, the statement came to be made that the grievous injury is attributable to the applicant. In view of the said statement, no ad-interim relief was granted to the applicant. Later on, it was found that the said statement was incorrect.

10. Needless to say that the facts of these two cases are totally different. In view of above observations, application stands dismissed.

(R. M. JOSHI, J.)

B. S. Joshi