IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 ANTICIPATORY BAIL APPLICATION NO. 1711 OF 2026

SHESHERAO YASHWANT KAPSE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
...
Mr. Pralhad Chagan Bhagure, Advocate for Applicants
Mr. S. B. Narwade, APP for the Respondent/State

CORAM : R. M. JOSHI, J.
DATED : 9th OCTOBER, 2026

PER COURT :-

1. After hearing the learned Advocates for both sides, and as this Court has expressed its disinclination to grant relief to Applicant No. 1, Sheshrao, the learned Advocate for the Applicants seeks permission to withdraw the Application qua Applicant No. 1.

2. In view of the same, the Application stands dismissed as withdrawn qua Applicant No. 1.

3. Applicant Nos. 2 and 3 seek pre-arrest bail in connection with Crime No. 126/2026, registered with Chaklamba Police Station, District Beed, for the offences punishable under Sections 115(2), 118(1), 118(2), 189(2), 190, 191(2), 191(3), 308, 333, 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita.

4. The First Information Report indicates that two incidents occurred, one on 21.04.2026 and the other on 22.04.2026. In respect of the second incident, the Informant alleges that the present Applicants and the co-accused assaulted him, resulting in grievous injuries.

5. The learned Advocate for Applicant Nos. 2 and 3 submits that a counter-report was lodged in respect of the same incident, which was prior in time. He draws the attention of the Court to the report lodged by Sheshrao on 21.04.2026. According to him, the Informant herein was, in fact, the aggressor and the assailant. In any case, he submits that no grievous injury is attributable to the present Applicants. He, therefore, seeks protection of their liberty.

6. The learned APP opposes the grant of any relief to Applicant Nos. 2 and 3 by referring to the allegations made against them in the First Information Report, which, according to him, are also supported by the injury certificate.

7. A perusal of the record indicates that the present First Information Report was lodged belatedly on 24.04.2026, though the incident is stated to have occurred on 22.04.2026. This assumes significance in view of the fact that a report in respect of the same incident was lodged earlier. In these circumstances, the possibility of over-implication cannot be ruled out. Further, the injury certificate does not indicate any grievous injury that can be attributed to the present Applicant Nos. 2 and 3. Hence, their liberty deserves

to be protected. Accordingly, the following order is passed:

ORDER

(i) Application is partly allowed.

(ii) In the event of arrest of Applicant Nos.2 and 3 in connection with Crime No. 126/2026, registered with Chaklamba Police Station, District Beed, for the offences punishable under Sections 115(2), 118(1), 118(2), 189(2), 190, 191(2), 191(3), 308, 333, 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, they shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) each with one solvent surety in the like amount.

(iii) They shall not contact the witnesses directly or indirectly.

(iv) They shall not interfere with the evidence in any manner whatsoever.

(v) They are further directed to cooperate the investigating agency for further investigation.

(vi) They are directed to appear before the Investigating Officer on 14.10.2026 and 16.10.2026 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called by the Investigating Officer with written intimation.

8. Learned APP for the Respondent/State to communicate this order to the concerned Police Station.

(R. M. JOSHI, J.)

ssp