IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 ANTICIPATORY BAIL APPLICATION NO. 1791 OF 2026

BHAGUJI ALIAS BAPU SURESH ROHITE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Mr. A. L. Kanade h/f Mr. P. S. Kokane, Advocate for Applicant
Ms. R. R. Tandale, APP for the Respondent/State
Mr. S. J. Salunke, Advocate for the Informant

CORAM : R. M. JOSHI, J.
DATED : 13th OCTOBER, 2026

PER COURT :-

1. Applicant seeks pre-arrest bail in connection with Crime No. 149/2026, registered with Beed Rural Police Station, District Beed for the offences punishable under Sections 109, 118(2), 352, 351(2), 351(3) r/w 3(5) of the Bharatiya Nyaya Sanhita.

2. The First Information Report lodged by Mahadev Jadhav indicates that on 30.04.2026, he had gone to one of the accused persons for recovery of money towards the sale of cattle fodder. At about 5.45 p.m., he was assaulted by the present Applicant and the co-accused with weapons and an attempt was made to kill him. He was taken to the hospital. While admitted in the hospital, he lodged the report.

3. Learned Advocate for the Applicant submitted that a report has been

lodged against the Informant for outraging the modesty of one of the accused persons and that, by way of a counterblast to the said report, the present First Information Report came to be lodged with an exaggerated version of the incident. It is his submission that the charge-sheet has now been filed except the present Applicant and that the knife allegedly used by the Applicant has been recovered from the co-accused. It is his submission that, as such, custodial interrogation of the Applicant is not necessary. Apart from this, he drew the attention of the Court to the injury certificate, which indicates that no injury has been caused to the Informant by a sharp-edged weapon like a knife. Thus, according to him, this is a case of false implication or over-implication.

4. Learned APP and learned Advocate for the Informant opposed the grant of any relief to the Applicant by referring to the allegations against him in the First Information Report. Learned Advocate for the Informant drew the attention of the Court to the injury certificate on record, which, according to him, shows that a fracture of the nasal bone has been caused to the Informant and that the said injury is attributable to the Applicant. Thus, according to him, it is not open for this Court to consider the alleged inconsistency in the medical report, and the statement of the Informant needs to be accepted at least at this stage.

5. *Prima facie*, perusal of the record indicates that prior to the lodging of the First Information Report, a report came to be lodged against the Informant at the instance of the wife of one of the accused persons. No doubt, there are allegations against all the accused persons, including the present Applicant, of having caused assault. However, the assault attributable to the Applicant is by a knife. *Prima facie*, the medical certificate on record does not indicate any injury having been caused which could be attributed to a weapon like a knife. This becomes more relevant in view of the fact that the weapon has already been recovered at the instance of the co-accused. As such, this is not a case wherein custodial interrogation of the Applicant is necessary.

6. Learned APP and learned Advocate for the Informant submitted that, till the filing of the charge-sheet against present Applicant, an appropriate direction be issued to the Applicant to appear before the Investigating Officer. Hence, the following order:

ORDER

(i) Application is allowed.

(ii) In the event of arrest of Applicant in connection with Crime No. 149/2026, registered with Beed Rural Police Station, District Beed for the offences punishable under Sections 109, 118(2), 352, 351(2), 351(3) r/w 3(5) of the Bharatiya Nyaya Sanhita, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.

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

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

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

(vii) He shall appear before the Investigating Officer once every 15 days till the filing of the charge-sheet against him.

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

(R. M. JOSHI, J.)

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