



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 ANTICIPATORY BAIL APPLICATION NO. 1916 OF 2024

1] GANESH HARIBHAU KHANDE
2] NAMDEO HARIBHAU KHANDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr.S.J.Salunke
APP for Respondent-State : Mr.P.D.Patil

...

AND

ANTICIPATORY BAIL APPLICATION NO.37 OF 2025

GORAKH @ PAPPU @ GORAKHNATH RAMPRASAD
SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr.S.J.Salunke
APP for Respondent-State : Mr.P.D.Patil
Advocate for the complainant : Mr.A.R.Hange

...

WITH

CRIMINAL APPLICATION NO. 648 OF 2025
IN ANTICIPATORY BAIL APPLICATION NO.37 OF 2025

WITH

APPLICATION FOR CANCELLATION OF BAIL NO. 33 OF
2025 IN ANTICIPATORY BAIL APPLICATION
NO.1916/2024

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 24.02.2026

ORDER :

1] Heard the learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for the complainant.

2] The applicants in ABA Nos.1916/2024 and 37/2025 have approached this Court seeking anticipatory bail in connection with Crime No.0120/2024, dated 05.04.2024, registered with Police Station Beed [Rural], Dist. Beed, for the offence punishable under Section 307, 326, 324, 323, 341, 120-B, 143, 147, 148, 149, 504, 506 of the IPC.

3] The complainant has also filed Application for cancellation of Bail No.33 of 2025.

4] The learned counsel for the applicants submits that this Court, vide interim order dated 28.10.2024 in ABA No.1916/2024, had protected the applicants, namely, Ganesh Khande and Namdeo Khande, whereby applicants were also directed to co-operate with the Investigating Officer by remaining present on the specific dates. This Court, vide interim orders dated 13.01.2025 and 7th July, 2025 in ABA No.37/2025 had protected the applicant, namely, Gorakh @ Pappu @ gorakhnath Shinde, on

conditions of attending the police station on particular dates and particular time. The learned counsel for the applicants Mr.Salunke submits that the applicants have complied with the conditions imposed by this Court vide orders dated 28.10.2024 in ABA No.1916/2024 and order dated 13.01.2025 in ABA No.37/2025. The applicants, namely, Ganesh Khande, Namdeo Khande and Gorakh Shinde were not even present on the spot of the incident. Perusal of the FIR would show that the FIR is registered against the unknown 8 persons and several other unknown persons wherein the informant, namely, Dnyaneshwar Khande is alleged to be intercepted by the accused persons and the accused persons have abused the complainant and his friends. The other four accused persons have joined on the motorcycle, having iron rod and wooden sticks. The FIR alleges assault and threatening at the instance of accused persons present on the spot. The applicants in both applications are not even alleged of being present on the spot, however, role of the present applicants is that of conspirator and the applicants are being deliberately implicated in the present crime due to political rivalry and enmity between one of the accused, namely, Kundlik Khande, who was erstwhile President of the Political Party. The entire investigation as against the applicants have already completed. The applicants have attended the Investigating Officer in pursuance to the aforesaid interim orders. Nothing is to be recovered from the applicants.

Thus, the custodial interrogation of the applicants is not necessary. Hence, the present applicants may be released on anticipatory bail by confirming the interim orders passed by this Court earlier.

5] As against this, the learned APP and the learned counsel for the complainant Mr.Hange vehemently oppose the present applications for grant of bail. The learned counsel Mr.Hange submits that the applicants have made incorrect statement of applying with the directions passed by this Court vide interim orders granting anticipatory bail. As per the interim orders passed by this Court, the applicants were directed not to enter the village Mhalas Javala, Taluka and District Beed and report the place of residence to the Investigating Officer. The learned counsel Mr.Hange further submits that on various occasion, the applicants have violated the conditions imposed by this Court in respect of not to enter the village Mhalas Javala and have threatened the complainant and the family members of the complainant. Accordingly, non cognizable report is submitted to the Police Authorities and several such complaints of violation of the interim orders passed by this Court in respect of entering into the village are made against Ganesh and Namdeo to the police authorities. The applicants failed to comply with the conditions imposed by this Court while granting anticipatory bail. As such, the present applications may be rejected.

6] The learned counsel for the informant Mr.Hange further submits that he has also filed application for vacation of the interim order and cancellation of the interim order passed by this Court and considering the very same ground the bail applications of the applicants may be rejected. The applicants have entered into the aforesaid village by flouting the conditions imposed by this Court while granting anticipatory bail and is now seeking confirmation of the interim orders. Considering the said fact, the applications of the applicant may be rejected.

7] I have gone through the investigation papers, which is now culminated into filing of the charge sheet. Perusal of the FIR shows that the applicants, namely, Ganesh Khande, Namdeo Khande and Gorakh Shinde are only alleged of conspiracy in the present crime. The actual assault in the present crime is attributed to the other four accused, namely, Lalasaheb Dunghav, Sunil Patole, Babasaheb Patole and Krushna Patole and all accused were arrested and released on bail along with accused namely, Kundlik Khande, who is also alleged of conspiracy.

8] Perusal of the charge sheet would show that the charge sheet was filed long back in the year 2024. The interim order of not entering village Mhalas Javala, Taluka and District Beed, was passed on 28.10.2024 taking into consideration the allegations and does not show that it was

to operate till conclusion of the trial. The alleged violation of the interim order is already reported to the police authorities and one non cognizable report is already filed by the complainant against the applicants, and it is for the police authorities to take appropriate action for violation of the orders. However, the applicants have given explanation in the reply to the application for cancellation of bail that they were required to enter village only to attend funeral and for casting votes in the elections. The applicants, namely, Ganesh Khande and Namdeo Khande, do not have any antecedents and it is not brought on record as to whether Ganesh Khande and Namdeo Khande are having any other role except conspiracy. However, such violation of the conditions of the interim orders can be taken care by imposing further stringent conditions upon the applicants while confirming their anticipatory bail.

9] Thus, taking into consideration the nature of the allegations against the present applicants and also considering that the applicants, namely, Ganesh Khande, Namdeo Khande and Gorakh Shinde were not even present on the spot of the incident and they are only alleged of conspiracy in the present crime and taking into consideration interim orders passed by this Court, protecting the present applicants, which has resulted in their co-operation with the investigation and filing of the charge sheet by the prosecution even against all the

applicants in both applications, I am inclined to present the present applicants. Hence the following order :

ORDER

- A) The Anticipatory Bail Application Nos.1916/2024 and 37/2025 are allowed.
- B) The application for cancellation of Bail No.33 of 2025 in ABA No.1916/2024 is rejected.
- C) The interim order dated 28.10.2024 passed in ABA No.1916 of 2024 and interim order dated 13.01.2025 passed in ABA No.37/2025 are hereby confirmed, however, on certain further conditions that the applicants, namely, Ganesh Khande and Namdeo Khande in ABA No. 1916/2024 and applicant, namely, Gorakh Shinde in ABA No.37/2025 shall not enter jurisdiction of the Beed Rural Police Station, District Beed, till framing of the charge.

10] Needless to say, violation of any of the aforesaid condition shall entitle the prosecution to seek cancellation of the anticipatory bail.

11] The observations made herein above are prima facie in nature and shall not influence the Trial Court while deciding the case on its own merits.

12] The Anticipatory Bail Applications are disposed of accordingly.

13] The application for assist the prosecution also disposed of accordingly.

[MEHROZ K. PATHAN]
JUDGE

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