



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 57 OF 2025

**1. RAMESHWAR PRABHAKAR AALSE
2. BABLU @ LAXMAN DIGAMBAR KUKADE**

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

**CRIMINAL APPLICATION NO. 361 OF 2025
IN ABA/57/2025**

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Advocate for Applicants : Mrs. Lomte Ashwini Annasaheb

Addl.PP for Respondents/State : Mr. A. S. Shinde

Advocate for complainant : Mr. Kawade Ramraje D.

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CORAM : MEHROZ K. PATHAN, J.

DATE : 25th FEBRUARY 2026

PER COURT :

1. Heard the learned Counsel for the Applicants, the learned Counsel for the complainant and the learned APP for the State.

2. The Applicant No.1 has approached this Court, seeking anticipatory bail in connection with Crime No.351/2024 registered with Sonpeth Police Station, District Parbhani for the offences punishable under Sections 109, 118(2), 118(1), 352, 351(3) of Bharatiya Nyaya Sanhita, 2023.

3. The learned Counsel for the Applicants submits that the

Applicant was protected by this Court vide interim order dated 21.01.2025. The Applicant No.1 has complied with all conditions imposed by this Court under the said interim order and has cooperated with the investigation. It is further submitted that Applicant No.2 Bablu, has passed away during the pendency of the present application. Hence the applications as regards Applicant No.2 /Bablu is not pressed. The allegation of assault arises out of a scuffle between the family members of the Applicants, including Jaishree, and the family members of her husband, namely Datta. Applicant No.1, Rameshwar, also sustained injuries in the said incident and was required to be admitted to the Civil Hospital, Parbhani. The niece of the Applicant, Jaishree, was likewise admitted to the hospital with a history of assault resulting in head injury. A counter FIR was lodged at the behest of the niece of the Applicant, being FIR No. 352/2024 registered on 29.11.2024 at Sonpeth Police Station. The present FIR No. 351/2024 has been filed at the behest of Nagesh, who is also one of the accused in the FIR filed by the niece of the Applicant, Jaishree, along with Datta and Anusaya. Since the matter arises out of a matrimonial dispute, it was referred to mediation vide order dated 28.01.2025 passed by this Court. However, the mediation proceedings could not result in a settlement between the parties.

. The learned Counsel for the Applicants submits that the alleged assault took place at Shedgaon, Taluka Sonpeth, District Parbhani, where the niece of the Applicant resides and the Applicant No.1 is her maternal uncle. It is submitted that the complainant Nagesh, along with his brother Datta and Anusaya, had come to

Shedgaon for settlement, which resulted in a scuffle occurring at the spur of the moment, without any intention. The injuries, if any, can be attributed to the said scuffle, in which even the Applicant No.1 and his niece also sustained injuries. It is further submitted that the Applicant No.1 is not history-sheeter and has no criminal antecedents. He is ready to abide by any conditions that may be imposed by this Court. Hence, the Applicant No.1 may be granted protection.

4. As against this, the learned APP as well as the learned Counsel for the Complainant strongly oppose the present application on the ground that the Applicant No.1 is attributed with the main role in the present crime, being the maternal uncle of Jaishree, the wife of Datta. It is submitted that the family members of the Complainant, Nagesh, along with Datta and Anusaya, had gone to Shedgaon to amicably settle the matrimonial dispute between Datta and his wife Jaishree. However, the Applicant allegedly became violent and assaulted the Complainant and his brother mercilessly by means of a wooden stick, resulting in serious injuries. The injury certificates demonstrate that Datta and Nagesh sustained grievous injuries, apart from three simple injuries on their persons. Thus, a case of voluntarily causing grievous hurt by means of dangerous weapons is made out against the Applicants. The offence is punishable with life imprisonment. Hence, it is prayed that the present application be rejected.

5. I have gone through the investigation papers made available by the learned APP. A perusal of FIR No. 352/2024 shows that the niece of Applicant No.1, Jaishree, has registered an FIR in respect of the same incident dated 28.11.2024. The investigation papers reveal that Applicant No.1 and his niece were required to be admitted to the Civil Hospital, Parbhani, from 28.11.2024 to 30.11.2024. The incident occurred at Shedgaon, where the niece of Applicant No.1 was residing after her matrimonial dispute with her husband, Datta. The complainant Nagesh, along with his brother and Anusaya, appears to have travelled to Shedgaon, which is about 120 km away from their residence, for the purpose of settling the dispute. Thus, it appears that the incident took place due to a heated altercation arising out of settlement talks between the parties. Applicant No.1 was already protected by this Court vide order dated 21.01.2025, and there is no record of any violation of the interim order by him. It further appears that Applicant No.1 has complied with the conditions of the interim order, and during its operation, the Investigating Officer has completed the investigation and filed the charge-sheet against the Applicant. Therefore, nothing remains to be investigated against Applicant No.1. The apprehension of the learned APP as well as the Counsel for the Complainant Mr. Kawde can be taken care of by imposing certain conditions upon the Applicant No.1. Hence the following order :

ORDER

(i) The application as regards Applicant No.2 is disposed of as not pressed.

- (ii) The application is allowed insofar as Applicant No.1 is concerned.
- (iii) The interim order dated 21.01.2025 is hereby confirmed.
- (iv) The Applicant No.1 is directed not to tamper with the evidence and shall not threaten the complainant or his relatives.
- (v) The Applicant No.1 shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.
- (vi) The Applicant No.1 shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
- (vii) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant No.1 on that ground.
- (viii) With the aforesaid directions, the application is disposed of.
- (viii) The application for assisting the prosecution is also disposed of.

MEHROZ K. PATHAN
JUDGE