



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

ANTICIPATORY BAIL APPLICATION NO. 430 OF 2025

1. BABAN RAMA WALEKAR
2. TATYARAM BABAN WALEKAR
3. PANDURANG BHAU KHATAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Mane Omprakash D.

APP for Respondents/State : Mr. R. K. Ingole

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CORAM : MEHROZ K. PATHAN, J.

DATE : 25th MARCH 2026

PER COURT :

1. Heard the learned Counsel for the Applicants and the learned APP for the Respondents/State.
2. The Applicant Nos. 2 and 3 have approached this Court, seeking anticipatory bail application in connection with FIR No. 394 of 2023 dated 24.12.2023 registered with Mirajgaon Police Station, Taluka Karjat, District Ahmednagar for the offences punishable under Sections 307, 327, 324, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code, 1860.
3. The learned Counsel for the Applicants submits that this Court, vide order dated 09.04.2025, had protected Applicant Nos. 2 and 3, subject to the condition of attending the police station and cooperating with the investigation by observing that the injury is

attributed to them is only simple injury. This Court has further observed that there are cross FIRs filed—one by the Applicants and the accused party, and the other by the complainant. The counter FIR is registered as FIR No. 602/2023 dated 28.12.2023 for the same incident of 15.12.2023, wherein the present complainant, Jalindar Jankar, is also one of the accused along with ten other persons. The allegations of causing grievous hurt are against another accused, Baban (Applicant No.1 herein), whose application has already been disposed as withdrawn by an order of this Court. The Applicant Nos. 2 and 3 are not having any criminal antecedents and are ready to abide by any conditions that may be imposed by this Court. Hence they may be protected.

4. As against this, the learned APP strongly opposes the present application on the ground that serious injuries were caused to the complainant and other injured witnesses. The offence is serious in nature. The Applicants are accused of attempting to commit murder by sharing a common object. Even though there are no direct allegations against the Applicants of assaulting the complainant or other witnesses with dangerous weapons, the Applicants were members of the unlawful assembly formed with the common object of committing the murder of the complainant and other witnesses. The injuries allegedly caused by the present Applicants are simple in nature, however, other witnesses have sustained serious injuries. The complainant himself suffered one grievous injury on his head. It is submitted that if the Applicants are

released on bail, they may again indulge in similar offences, thereby causing law and order problems in the vicinity. The learned APP further submits that even though the Applicants were directed to attend the Investigating Officer and cooperate with the investigation, they have failed to cooperate with the investigation. Thus the custodial interrogation of the Applicants is necessary. Hence, this is not a fit case to grant anticipatory bail, and the said application may therefore be rejected.

5. I have gone through the investigation papers made available by the learned APP. The investigation appears to be almost complete. The Applicant Nos. 2 and 3 were protected by interim order dated 09.04.2025 by imposing conditions. The papers do not show any entry noted by the Investigating Officer regarding non-attendance or non-cooperation of Applicant Nos. 2 and 3 in pursuance of the interim order dated 09.04.2025. A perusal of the injuries sustained by the witnesses, which are alleged to have been attributed to the Applicants, shows that they are simple in nature. There are also cross FIRs, one of which was filed by co-accused Baban (Applicant No.1 herein), being FIR No. 602/2023 at Jamkhed, District Ahmednagar. The record further shows that co-accused Bhiva @ Rishikesh Zumbar Irkar has been released on anticipatory bail by order dated 13.02.2025 in ABA No. 318/2024 passed by this Court, in connection with FIR No. 602/2023.

. Be that as it may, these observations are prima facie in nature and made only for the purpose of deciding the present

application, and they shall not influence the trial Court. The apprehension of the learned APP can be taken care of by imposing stringent conditions on the Applicant. Since the investigation is almost complete, I see no impediment in protecting the Applicant Nos. 2 and 3. Hence the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim order dated 09.04.2025 is hereby confirmed.
- (iii) The Applicant Nos. 2 and 3 are directed to attend Mirajgaon Police Station, Taluka Karjat, District Ahmednagar on 1st, 2nd, 8th, 9th, 15th and 16th April of 2026 between 11:00 am. to 01:00 pm. and thereafter as and when called by the Investigating Officer till filing of the charge-sheet.
- (iv) The Applicant Nos. 2 and 3 are directed not to tamper with the evidence and shall not threaten the complainant or the other witnesses.
- (v) The Applicant Nos. 2 and 3 shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.
- (vi) The Applicant Nos. 2 and 3 shall submit their Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves 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 Nos. 2 and 3 on that ground.
- (viii) With the aforesaid directions, the application is disposed of.

MEHROZ K. PATHAN
JUDGE