



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 739 OF 2025

Tinku Alias Sushil Tushal Walke

VERSUS

The State Of Maharashtra And Another

WITH

ANTICIPATORY BAIL APPLICATION NO. 1228 OF 2025

Prashant Shankar Kute

VERSUS

The State Of Maharashtra And Another

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- Mr. Narwade Narayan B., Advocate for Applicants
- Mr. K. K. Naik, APP for Respondents - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 23.03.2026

PER COURT :

1. Heard learned counsel for the applicants, the learned APP for the respondents-State as also learned assisting counsel.
2. The applicants have approached this Court apprehending arrest in connection with FIR No. 126 of 2025, dated 13.04.2025, registered with Paithan Police Station, District Chh. Sambhajinagar for the offences punishable under Sections 119(1), 119(2), 189(2), 191(2), 190, 115, 352, 351(3) of the Bhartiya Nyaya Sanhita, 2023.

3. This Court, by orders dated 03.07.2025 in Anticipatory Bail Application No. 739 of 2025 and 05.08.2025 in Anticipatory Bail Application No. 1228 of 2025, granted interim protection to the present applicants subject to the condition that they shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate with the investigation. Learned counsel for the applicants submits that the applicants have complied with the said conditions and have not violated any of them.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated. Applicant Tinku @ Sushil Tushal Walke is an agriculturist and runs a pharmacy business in the name of "Swami Medical." The allegations against him are general in nature, mainly of assault by fist and kick blows, and no specific overt act involving any dangerous weapon is attributed to him. He has roots in society, is not a flight risk, and has no criminal antecedents.

5. Learned counsel for the applicants further submits that the applicant in Anticipatory Bail Application No. 1228 of 2025 is a student and was not present at the time of the incident. It is submitted that he has been implicated only on the basis of suspicion. The FIR itself indicates that his name has been disclosed to the informant by one of his friends. The applicant has no criminal antecedents and has complied with the interim order dated

05.08.2025. He is ready and willing to abide by any further conditions that may be imposed by this Court. Hence, it is prayed that the interim protection granted by order dated 05.08.2025 be confirmed.

6. As against this, the learned APP strongly opposes the present applications on the ground that the investigation is still in progress and the charge-sheet is yet to be filed. It is submitted that the applicants are yet to be identified in the Test Identification Parade. The allegations pertain to snatching of gold ornaments from the person of the complainant and other witnesses, are yet to be recovered. It is further submitted that, if released on bail, the applicants may tamper with the evidence and thereby cause prejudice to the prosecution case. Hence, it is prayed that the applications be rejected.

7. Learned APP further submits that, despite the interim order passed by this Court in Anticipatory Bail Application No. 1228 of 2025, the applicant therein has failed to comply with the condition of furnishing surety in the sum of Rs. 20,000/-. It is, therefore, submitted that the said applicant be directed to comply with the condition as imposed by this Court vide order dated 05.08.2025.

8. I have gone through the investigation papers made available by the learned APP. The perusal thereof indicates that the alleged

incident has taken place on 12.04.2025. As per the FIR, the time of the incident is stated to be between 03:00 p.m. and 03:30 p.m. However, the supplementary statement of the informant dated 14.04.2025 indicates that the incident occurred in the early morning hours between 03:00 a.m. and 03:30 a.m. The station diary entry dated 12.04.2025 at 06:53 hours, bearing GD No. 004, also reflects that while the police officer was on night patrolling duty, the incident had occurred during the early morning hours and was reported accordingly. Thus, there appears to be inconsistency with regard to the timing of the incident. Be that as it may, the record indicates that the applicants have attended the police station and have cooperated with the investigation. At this stage, custodial interrogation of the applicants does not appear to be necessary. The allegations against the applicants are general in nature, and no specific overt act is attributed to them, except general allegations of snatching of gold ornaments.

9. The apprehension expressed by the learned APP that, if released on bail, the applicants may abscond or may not cooperate with the Test Identification Parade can be adequately addressed by imposing stringent conditions. Considering the nature of the allegations and the stage of the investigation, I am inclined to protect the applicants by granting anticipatory bail and confirming the

interim orders passed by this Court.

10. Hence, the following order :-

ORDER

- i. The Anticipatory Bail Applications are allowed.
- ii. The interim order dated 03.07.2025 passed in ABA No. 739 of 2025 and the interim order dated 05.08.2025 passed in ABA No. 1228 of 2025 are hereby confirmed, subject to the following conditions:
 - A) In the event of arrest of the applicant Prashant Shankar Kute in ABA No. 1228 of 2025, he shall be released on bail on furnishing a PR bond in the sum of Rs. 20,000/- with one or more sureties in the like amount, in connection with FIR No. 126 of 2025 registered with Paithan Police Station, District Chhatrapati Sambhajnagar, for the aforesaid offences.
 - B) The applicants shall attend the concerned police station and report to the Investigating Officer on 30th March 2026 and 6th April 2026 between 12:00 noon and 2:00 p.m., and thereafter as and when required, till filing of the charge-sheet.
 - C) The Applicants shall also cooperate with the investigation.
 - D) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

- E) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

11. Needless to state that a single violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bails granted herein.

12. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.

13. The Anticipatory Bail Applications stand disposed of accordingly.

(MEHROZ K. PATHAN, J.)