



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

ANTICIPATORY BAIL APPLICATION NO. 1305 OF 2025

1. ATUL KISAN DATE
2. RAHUL KISAN KSHIRSAGAR
3. AKSHAY JIJABAPU HINGADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Shekade Shashikant E

APP for Respondents/State : Mr. P. D. Patil

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CORAM : MEHROZ K. PATHAN, J.

DATE : 11th MARCH 2026

PER COURT :

1. Heard the learned Counsel for the Applicants and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.541/2025 registered with Parner Police Station, District Ahilyanagar for the offences punishable under Sections 118(2), 115(2), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.
3. The prosecution's case as revealed from FIR is that on 02.07.2025 informant Abhinay Kokate had gone to Alephata for birthday of his friend namely Kiran Aher. They went in hotel for taking food. At that time applicant No.1 was sitting in the near by chair. Applicant No.1 was drinking beer therefore informant told him

not to drink beer. Applicant No.1 got angry and assaulted informant by means of bottle of beer. Therefore a case was registered against applicant No.1. Police referred him to PHC for medical treatment. From there he was referred to hospital for CT scan. On next day i.e. 03.07.2025 at about 21.20 informant and his brother Sanket went to the hotel of Applicant No.1 to resolved the dispute. However there was again dispute between them and all applicants along with other persons assaulted informant and his brother by means of iron rod. Because of the assault he and his brother sustained grievous injuries. However, Applicant No.1 filed Crime No.529/2025 against him and he is arrested in that case. But as he was assaulted by the Applicants, he has filed cross complaint.

4. At the outset, learned Counsel for the Applicants seeks permission to withdraw the application to the extent of Applicant No.1/Atul Kisan Date.

. Insofar as the Applicant Nos. 2 and 3 are concerned, this Court, vide interim order dated 31.07.2025, was pleased to protect the Applicants by granting ad-interim bail with a condition to attend the Investigating Officer on every Monday between 11:30 a.m. and to cooperate with the investigation.

5. The learned Counsel for the Applicants submits that the Applicants have duly attended the police station and have cooperated with the Investigating Officer as directed by this Court. The FIR is a counter to the earlier FIR registered at the behest of Applicant

No.1/Atul, being Crime No.529/2025, wherein the complainant herein, namely Abhinay Kokate, is the accused along with his brother Sanket Kokate and one Jaya Sawant. A perusal of the FIR shows that the role attributed to Applicant Nos.2 and 3 is limited to assault by means of fists and kick blows upon the Informant. The main allegation of assault by means of a dangerous weapon, namely an iron rod, is attributed to Applicant No.1. Applicant Nos.2 and 3 do not have any criminal antecedents and are ready to abide by any conditions that may be imposed by this Court. As the Applicant Nos. 2 and 3 have complied with the conditions imposed vide interim order dated 31.07.2025, the interim protection may be confirmed and they be released on anticipatory bail.

6. As against this, the learned APP strongly opposes the application on the ground that the Applicants are involved in the serious offence of causing grievous hurt by means of a dangerous weapon. Applicant Nos.2 and 3, along with Applicant No.1/Atul, assaulted the complainant. There are injury certificates which corroborate the allegations. Though the role attributed to Applicant Nos.2 and 3 is limited to assault by means of fists and kick blows, the cumulative effect of the assault, together with the assistance of Applicant No.1 who used an iron rod to inflict injury, has to be considered. The injury certificate of the complainant/Abhinay Kokate, shows that he sustained a contused lacerated wound on his forehead, which is shown as a grievous injury. The Applicants may again cause a law and order problem, if released on bail. Hence, this

is not a fit case for granting anticipatory bail to the Applicants.

7. I have gone through the investigation papers made available by the learned APP. Applicant Nos.2 and 3 have attended the police station as directed by this Court vide interim order dated 31.07.2025. The investigation appears to be complete. The injury certificates show only one grievous injury, which is attributable to the assault alleged against Applicant No.1/Atul Date. The application of Atul Date has already been withdrawn. The role attributed to Applicant Nos.2 and 3 is limited to assault by means of fists and kick blows. Applicant Nos.2 and 3 have cooperated with the investigation, and they do not have any prior criminal record. As such, the apprehension of the learned APP can be addressed by imposing appropriate conditions upon the Applicants. However, these are prima facie observations made only for the purpose of deciding the present application and shall not influence the trial Court. Hence, I am inclined to protect the Applicant. Hence the following order :

ORDER

- (i) The application stands disposed of as withdrawn to the extent of Applicant No.1.
- (ii) The application is allowed insofar as Applicant Nos.2 and 3 are concerned.
- (iii) The interim order dated 31.07.2025 is hereby confirmed.
- (iv) The Applicant Nos. 2 and 3 shall attend the Parner Police Station, District Ahilyanagar as and when called by the Investigating Officer till filing of the charge-sheet.

(v) The Applicant Nos. 2 and 3 are directed not to tamper with the evidence.

(vi) The Applicant Nos. 2 and 3 shall not threaten the complainant or the witnesses.

(vii) The Applicant Nos. 2 and 3 shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.

(viii) 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.

(ix) 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.

(x) With the aforesaid directions, the application is disposed of.

MEHROZ K. PATHAN
JUDGE

NATJEB..