



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1496 OF 2025

1. Sagar Shivaji Kadu
2. Mangesh Prakash Gholap

VERSUS

The State Of Maharashtra And Another

...

- Wagh Umakant U., Advocate for Applicants
- Ms. P. J. Bharad, APP for Respondents-State

...

WITH
CRIMINAL APPLICATION NO. 3548 OF 2025
IN ABA/1496/2025

Nilesh Gitaram Gholap

VERSUS

Sagar Shivaji Kadu And Others

...

- Mr. R. L. Kute, Advocate for Applicant/Assist to P.P.

...

CORAM : MEHROZ K. PATHAN, J.

DATED : 28.01.2026

PER COURT :

1. Heard learned counsel for the applicant, the learned APP for the respondent-State as also learned assisting counsel.
2. The applicants have approached this Court apprehending arrest in connection with FIR No. 469 of 2025, dated 07.08.2025, registered with Loni Police Station, Taluka Rahata, District Ahilyanagar, for the offences punishable under Sections 119(1),

118(1), 333, 115(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023.

3. This Court, by order dated 26.08.2025, granted interim protection to the present applicants, subject to the condition that they shall attend the 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 interim order and have not violated any of the conditions imposed. It is submitted that the applicants have no criminal antecedents.

4. It is further submitted that the present FIR is the outcome of a trivial scuffle between two neighbouring families. Applicant No.2's mother, Vijaya Prakash Gholap, has also lodged a counter FIR bearing FIR No. 471 of 2025, dated 08.08.2025, against the complainant Nilesh Gholap, Satyajeet Gholap, and Sayaji Kadu, in respect of the incident dated 06.08.2025 at about 8:00 a.m. The present FIR, therefore, is stated to have been filed with an intention to wreak vengeance and counter the allegations against the applicants and their family members. It is submitted that the applicants and complainant are residents of the same neighbourhood and are ready to abide by all conditions that may be imposed by this Court. Hence, the applicant may be released on bail by confirming the interim order dated 26.08.2025.

5. As against this, learned assisting counsel Mr. Kute appearing for the complainant and learned APP for the State strongly oppose the present application on the ground that applicant No.2 – Mangesh Prakash Gholap has one antecedent in the nature of an NC complaint bearing NC No. 607 of 2024, dated 07.08.2025, registered at Loni Police Station. It is contended that the applicant has criminal tendencies and, if released on bail, may again cause harassment to the nearby residents and intimidate the prosecution witnesses, thereby prejudicing the prosecution case. Hence, it is prayed that the applicants may not be released on bail.

6. Perusal of the First Information Report and the investigation papers made available by the learned APP reveals that the injury sustained by the complainant is simple in nature. The statements of the relevant witnesses have already been recorded. Thus, custodial interrogation of the applicants does not appear to be necessary. The applicants have attended the police station and complied with the interim order dated 26.08.2025, and there is no report of violation of the said order, nor is there any material indicating commission of any subsequent offence or intimidation of the complainant by the applicants. The apprehensions expressed by the learned APP and the learned assisting counsel can be adequately addressed by imposing stringent conditions upon the applicants. Hence, the following order.

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. The interim order dated 26.08.2025 is hereby confirmed, subject to the following further conditions:
 - A) The applicants shall attend the concerned police station and report to the Investigating Officer on 04th, 11th and 18th February, 2026, between 12:00 noon and 2:00 p.m., and thereafter as and when required by the Investigating Officer, till filing of the charge-sheet.
 - B) The applicants shall not enter Village Pathare, Taluka Rahata, District Ahilyanagar, till filing of the charge-sheet by the prosecution.
 - C) The applicants shall furnish an alternate residential address outside Village Pathare to the Investigating Officer and shall not change the same without prior intimation.
 - D) The Applicant shall also cooperate with the investigation.
 - E) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - F) 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.

7. Needless to state that a single violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bail granted herein.
8. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.
9. In view of the above, the Anticipatory Bail Application stands disposed of.
10. Application for assisting the prosecution also stands disposed of.

(MEHROZ K. PATHAN, J.)