



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1535 OF 2025

1. Rahul Baban Muntode
2. Sanjay Tabaji Muntode
3. Kiran @ Shivaji Baban Muntode

VERSUS

The State Of Maharashtra And Another

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- Mr. R. L. Kute, Advocate for Applicant
- Mr. A. S. Shinde, APP for Respondents – State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 05.01.2026

PER COURT :

1. Heard learned counsel for the applicants and the learned APP for the respondents-State.
2. The applicants have approached this Court apprehending arrest in connection with FIR No. 142 of 2025, dated 31.07.2025, registered with Ashwi Police Station, District Ahilyanagar, for the offences punishable under Sections 327(1), 118(2), 119(1), 115(2), 352, 351(2), 351(3) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. This Court, vide order dated 03.09.2025, had granted ad-interim anticipatory bail to the applicants with a direction that they

shall cooperate with the investigating agency as and when called upon.

4. Learned counsel for the applicants submits that Applicant No. 2 – Sanjay Tabaji Muntode had earlier filed a complaint before the authorities objecting to excavation and transportation of sand during the rainy season, as his agricultural land gets affected due to the movement of heavy vehicles through the fields. The said complaint dated 17.06.2025 also stated that in the absence of any action by the authorities, the applicant would resort to a fast unto death.

5. It is further submitted that the Tehsildar, Sangamner, took cognizance of the complaint dated 17.06.2025 and, by communication dated 26.07.2025, informed the applicant that appropriate action would be taken under the Maharashtra Land Revenue Code, and requested him to withdraw the proposed fast.

6. It is further submitted that on the date of the incident, damage was caused to the crops standing in the agricultural field of the applicant bearing Gat No. 311, situated at Village Shiblapur, Taluka Sangamner, District Ahilyanagar, on account of sand transportation. The applicants acted only to protect their crops. The allegations of assault are exaggerated and misleading. No dangerous weapons were used. The applicants have cooperated with the investigation. Hence, they seek confirmation of bail.

7. As against this, the learned APP vehemently opposes the application on the ground that the complainant as well as one Sharad sustained injuries in the incident, and one injury sustained by the complainant is shown as grievous. It is submitted that despite assurance given by the Tehsildar, the applicants took law into their own hands and, therefore, considering the seriousness of the offence, they do not deserve anticipatory bail.

8. I have perused the investigation papers with the assistance of the learned APP. The injury certificate of the complainant Bhimraj shows simple injuries, though one injury is described as grievous; however, the description of the said injury is noted as “tenderness on bilateral knees”. The injury certificate of witness Sharad also shows simple injuries. The incident appears to be a fallout of the transportation of sand during the rainy season. Sand excavation and transportation are prohibited during the rainy season as they are likely to cause damage to adjoining agricultural fields and approach roads. The representations made by Applicant No. 2 – Sanjay Tabaji Muntode were duly taken cognizance of by the Tehsildar, who had assured action against the sand transporters. Taking into consideration the nature of the allegations, the background of the dispute, and the investigation papers, I am inclined to protect the applicants. Hence, the following order :-

ORDER

- A) The Anticipatory Bail Application is allowed.
- B) The ad-interim order dated 03.09.2025 is hereby confirmed.
- C) The Applicants shall attend the concerned police station and report to the Investigating Officer on 09th, 10th, 16th, 17th, 23rd and 24th of January, 2026, between 12:00 noon and 02:00 p.m., and thereafter as and when required till completion of the investigation and filing of the charge-sheet.
- D) The Applicants shall also cooperate with the investigation.
- E) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- F) The applicants 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.

9. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of the interim relief granted herein above.

10. The observations made herein are prima facie in nature and shall not influence the trial Court or any other Court while deciding the case on its own merits.
11. In view of the above, the application stands disposed of.
12. Pending applications, if any, also stand disposed of.

(MEHROZ K. PATHAN, J.)