



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

ANTICIPATORY BAIL APPLICATION NO. 2037 OF 2025

1. RAJU HANUMAN SANAP
2. SANKET MADHAV SANAP
3. ASHOK BHIMRAO SANAP
4. BADRI RAJARAM SANAP
5. DIGAMBAR MADAHVRAO SANAP
6. SANJAY ATMARAM SANAP
7. VAIBHAV BABARAO KUTE
8. RAMA PRALHAD SANAP
9. SOPAN CHATRAPATI SANAP @
SACHIN CHATRAPATI SANAP

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Aditya Lokhande h/f
Mr. Kale Amol Gangadharrao

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

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CORAM : MEHROZ K. PATHAN, J.

DATE : 20th JANUARY 2026

PER COURT :

1. Heard the learned Counsel for the Applicant and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.474/2025 registered with Sengaon Police Station, District Hingoli for the offences punishable under Sections 189(2), 190, 191(2), 191(3), 118(2),

118(1), 115(2), 125(a), 125(b), 352, 351(2), 351(3) of B.N.S. alongwith Section 135 of Maharashtra Police Act.

3. The allegations of the prosecution are that, on 30.09.2025, the accused Applicants gathered at the place of the procession of Bhagwan Baba Durgadevi. While the procession was in progress, a dispute arose between the applicants' party and the complainant's party on account of some children quarrelling on the street. Suddenly, a stone-throwing incident took place, wherein each party assaulted members of the other by means of sticks, kicks, blows, and stones, causing grievous injuries to persons in the procession. It is submitted by the learned counsel for the applicants that, although the Applicants are named in the FIR, no specific role is attributed to any of them, and the allegations fall within the category of general allegations. The Applicants are residents of the same village, have no criminal antecedents, and are ready to abide by any conditions that may be imposed by this Court.

4. It is further submitted that the injuries sustained by the complainant party are not on any vital parts. The injured persons are all discharged from the hospital. There is no incident of any further clashes between two communities in the village. The Applicants are also not alleged to have assaulted on any vital parts of the complainant or any other members of the complainant party. No specific overt act is attributed to Applicants and as such the Applicants may be released on bail. The Applicants further rely upon

the order dated 03.12.2025 passed in the case of Sushil Nagre who is accused no.19 shown in the FIR No.474/2025. The learned Sessions Court granted anticipatory bail on the ground that, since the incident dated 30.09.2025, the Investigating Officer had failed to arrest the accused Sushil Nagre, and all the injured persons, including Shalik Kharbal as disclosed by the prosecution, had already been discharged from the hospital. The said Applicants, being residents of Weltura, Taluka Sengaon, District Hingoli, were accordingly released on anticipatory bail by imposing certain conditions. The Applicants therefore pray for anticipatory bail even on the grounds of parity as the Applicants also are residents of the same village Weltura Taluka Sengaon and were not arrested since the date of registration of offence is 30.09.2025.

5. As against this, the learned APP strongly opposes the present application on the ground that the Applicants are involved in the serious offences of rioting and forming an unlawful assembly. The Applicants are alleged to have caused grievous hurt to the complainant and other injured witnesses by means of dangerous weapons. The stick used in the commission of the offence was seized from the spot, along with several stones said to have been used to assault the vital parts of the complainant and other members of the complainant party. The offence is serious in nature, and accordingly Section 109 of the BNS was later invoked, adding charges of attempt to commit murder against the applicants. The reliance placed by the Applicants upon the order in the case of Sushil Nagre (supra) is

misconceived, as the Applicants therein had raised a plea of alibi and were able to substantiate that claim. As such, the principles of parity may not apply to the present Applicants. The offence alleged is punishable with life imprisonment, and therefore this is not a fit case for granting anticipatory bail.

6. I have gone through the investigation papers made available by the learned APP. The perusal of the investigation papers shows that the investigation is almost complete, the panchanamas are conducted and the statements of the complainant and other members of the complainant party are also recorded. The papers further show that the medical treatment records, injury certificates of the complainant and other members of the complainant party, as well as the CT scan reports of the injured persons, have already been obtained. The documents also show that all the members of the complainant party, including Shalik Kharbal, have been discharged from the hospital.

7. The investigation papers as well as the allegations in the FIR show that there is a counter FIR, being FIR No.473/2025, registered by Mahadev Kundlik Sanap, in which Himmat Kharbal and other members of the Kharbal family, along with their friends, are accused of identical offences of causing grievous hurt by means of dangerous weapons. The other accused persons have also been arrested and released on bail. The incident occurred in the spur of the moment and in the heat of passion. It appears that there was

assault between the member of the two communities pertaining to the procession. The further documents show that the statements of the important and relevant witnesses have already been recorded and as such the investigation appears to be almost complete except for filing of the charge-sheet. The apprehension of the learned APP that the Applicants may tamper with the prosecution witness and may further threaten the complainant and other members of the village belonging to the same community can be taken care of by imposing stringent conditions. The order dated 03.12.2025 passed in the case of Sushil Nagre shows that the identical parameters are applied by the learned Sessions Court for releasing the said Applicants Sushil Nagre and Shivam Sanap on the ground that the Investigating Officer has failed to arrest the said accused persons since the date of commission of offence i.e. 30.09.2025 and also considered the fact that the all injured including Shalik Kharbal is already discharged from the hospital and both the Applicants therein were permanent residents of Weltura Taluka Sengaoon, District Hingoli. Thus, applying the principles of parity also, I am inclined to protect the Applicants, however on certain conditions. Hence the following order :

ORDER

(i) In the event of arrest of the Applicants - Raju Hanuman Sanap; Sanket Madhav Sanap; Ashok Bhimrao Sanap; Badri Rajaram Sanap; Digambar Madahvrao Sanap; Sanjay Atmaram Sanap; Vaibhav Babarao Kute; Rama Pralhad Sanap; Sopan Chatrapati Sanap @ Sachin Chatrapati Sanap in connection with Crime No.474/2025 registered with Sengaoon Police Station, District Hingoli for the

offences punishable under Sections 189(2), 190, 191(2), 191(3), 118(2), 118(1), 115(2), 125(a), 125(b), 352, 351(2), 351(3) of B.N.S. alongwith Section 135 of Maharashtra Police Act, they be released on bail on furnishing PR. bond of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties in the like amount, on the following conditions :

(a) The Applicants shall attend the Sengaon Police Station, District Hingoli on 23rd, 24th, 30th, 31st of January, 2026 and 6th and 7th of February, 2026 between 11:00 am. to 01:00 pm. and thereafter as when called by the Investigating Officer, till the filing of the charge-sheet.

(b) The Applicants shall not enter the village Weltura, Taluka Sengaon District Hingoli till framing of the charge, except with the permission of the Superintendent of Police, Hingoli.

(c) The Applicants shall not tamper with the prosecution evidence and shall not influence the witnesses.

(d) The Applicants 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.

(e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(ii) The application is allowed in the above terms and stands disposed of.

MEHROZ K. PATHAN
JUDGE

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