



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

ANTICIPATORY BAIL APPLICATION NO. 2154 OF 2025

1. NANDKISHOR ABHIMAN KHARBAL
2. PURUSHOTTAM ABHIMAN KHARBAL
3. BHAGWAT JALINDAR KHARBAL
4. NANDU DATTATRAO KHARBAL
5. DILIP KISAN KHARBAL
6. SHANKAR KISAN KHARBAL
7. GOPAL BABAN KHARBAL
8. OM UDDHAV KHARBAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Dhananjay Shinde M.

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 Applicants and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.473/2025 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) 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. The learned Counsel for the Applicants submits that the counter-allegations are made in FIR No.474/2025, registered on the same date for the same incident. The Applicants are deliberately roped in to implicate all the family members of the Kharbal family and are falsely framed in the incident. The applicants are residents of the same village. The incident is stated to be a consequence of a spontaneous quarrel that took place during the procession. No specific overt act of assaulting the vital parts of the complainant or other members of the complainant party is attributed to the Applicants. The injured persons have all been discharged from hospital, and the other arrested accused persons have also been

released on bail. Three other accused persons were granted anticipatory bail vide the same order by which the applicants' bail application was rejected by the learned Sessions Court. The Applicants do not have any criminal antecedents and are ready to abide by any conditions that may be imposed by this Court. They may, therefore, be released on bail.

5. As against this, the learned APP vehemently opposes the present application on the ground that Gopal Sanap has sustained serious injuries along with another injured witness, Bhimrao Sanap. The said witness Bhimrao has suffered a grievous injury, namely a contused lacerated wound on the vital part of the head. The injured Gopal Sanap has also sustained an abrasion on the frontal region of the head, which is a vital part. The applicants are alleged to have formed an unlawful assembly with the common object of causing grievous injuries to the complainant party. Even though the overt acts of each accused are not specifically mentioned in the FIR, the FIR cannot be treated as the final version, and during the course of investigation, the role of each applicant has been made out. The medical certificates of injured Pandurang Sanap and others show grievous injuries sustained by them as a result of the assaults allegedly carried out by the applicants. The offence is serious in nature, and this is not a fit case for grant of 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 statements of the all injured witnesses are already recorded by the Investigating Officer. There are counter allegations in FIR No.474/2025, in which many of the accused persons have been arrested and released on bail. Some of them were also granted anticipatory bail on the ground that they were residents of the same village, Weltura, and that all the injured witnesses, including Shalik Kharbal, had been discharged from hospital. The observations made therein were that, since the date of commission of the offence i.e. 30.09.2025, the accused had not been arrested, some of the injured persons had been discharged, and the Applicants were residents of the same village as the accused persons. A perusal of the investigation papers shows that the investigation is almost complete, including the conduct of the spot panchanama, obtaining medical certificates and treatment papers, and recording the statements of all witnesses, including the complainant and other injured witnesses. In my opinion, as the other applicants in Crime No.474/2025 have already been released on regular bail as well as anticipatory bail by the order passed today, subject to conditions of staying out of the village till framing of charge, the apprehension of the learned APP can be addressed by imposing identical stringent conditions upon the present applicants for releasing them on anticipatory bail, particularly as there are no criminal antecedents against the Applicants. Hence the following order :

ORDER

- (i) In the event of arrest of the Applicants - Nandkishor Abhiman Kharbal; Purushottam Abhiman Kharbal; Bhagwat Jalindar Kharbal;

Nandu Dattatrao Kharbal; Dilip Kisan Kharbal; Shankar Kisan Kharbal; Gopal Baban Kharbal; Om Uddhav Kharbal in connection with Crime No.473/2025 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) of B.N.S. alongwith Section 135 of Maharashtra Police Act, they be released on bail on furnishing P.R. 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.

(d) 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