



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2220 OF 2025

Mahesh Ganesh Erande
VERSUS
The State Of Maharashtra

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- Mr. Avinash Patel, Advocate h/f. Mr. Abhaysinh K. Bhosle, Advocate for Applicant
- Mr. A. S. Shinde, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 16.01.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 128 of 2025, dated 16.04.2025, registered with Chalisgaon City Police Station, District Jalgaon, for the offences punishable under Sections 109, 352, 351(3), 189(1), 189(2), 190 and 191(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 37(1) (c) read with Section 135 of the Bombay Police Act.
3. The prosecution case, in brief, is that on 15.04.2025 at about 06:00 p.m., several accused persons allegedly went to the house of the informant and called one Deepak Jaavre, the brother-in-law of

the informant, to come outside. It is alleged that after he came out, he was assaulted by some of the accused using sticks. When the informant intervened, he was allegedly assaulted with a sickle on the head by a co-accused. It is further alleged that during the incident, the mother and sister of the informant were also assaulted. The injured persons were thereafter shifted to the hospital, and subsequently, the offence came to be registered while the informant was undergoing treatment.

4. Learned counsel for the applicant submits that other co-accused have already been released on regular bail. He submits that the main role is attributed to co-accused Jayesh Dattatray Shinde, who allegedly caused a blow on the head of the informant with a sickle, and that the said accused, along with Chotu @ Ganesh Rajaram Erande, has already been arrested. Insofar as the present applicant is concerned, it is submitted that the allegation is limited to assault on the mother of the informant by means of a wooden stick. The medical certificate indicates only a simple injury in the nature of abrasion, with no grievous injury. It is further submitted that the applicant is 22 years of age, has no criminal antecedents, and is ready to abide by any conditions imposed by this Court.

5. Learned APP vehemently opposes the application on the ground that the offence is serious in nature. It is submitted that the

applicant and the complainant reside in the same vicinity and that there is a likelihood of the applicant influencing or threatening the complainant and his family members. It is further submitted that the principle of parity would not apply in the present case, as the applicant has not yet been arrested.

6. I have perused the charge-sheet filed by the prosecution against the arrested accused persons and the investigation papers produced by the learned APP. The record indicates that the role attributed to the present applicant is confined to an alleged assault on the mother of the complainant by a wooden stick. The medical certificate shows that Shobhabai, the mother of the complainant, has sustained a simple injury. The weapons are stated to have been recovered at the instance of the arrested accused. Considering the limited role attributed to the applicant, absence of criminal antecedents, and the fact that apprehensions expressed by the prosecution can be addressed by imposing stringent conditions, this Court is inclined to grant anticipatory bail.

7. Hence, the following order :-

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. In the event of arrest of the Applicant – Mahesh Ganesh Erande, he shall be released on bail on furnishing a P.R.

Bond of Rs. 50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount, in connection with FIR No. 128 of 2025, registered with Chalisgaon City Police Station, District Jalgaon, for the offences punishable under Sections 109, 352, 351(3), 189(1), 189(2), 190 and 191(2) of BNS, 2023 and Sections 37(1)(c) read with Section 135 of the Bombay Police Act, subject to the following conditions:

- A) The applicant shall attend the concerned police station and report to the Investigating Officer on 22nd, 23rd, 29th and 30th January 2026 and 05th and 06th February 2026, between 12:00 noon and 02:00 p.m., and thereafter as and when called, till filing of the charge-sheet, if any.
- B) The Applicant shall also cooperate with the investigation.
- C) The applicant shall not enter Village Kharjai till framing of charge by the Trial Court.
- D) The applicant shall furnish an alternate residential address outside Village Kharjai to the Investigating Officer and shall not change the same without prior intimation.
- 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 addresses and mobile numbers of two nearest relatives.

8. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of the bail granted herein above.

9. The observations made herein are prima facie and shall not influence the Trial Court or any other Court while deciding the case on its own merits.

10. In view of the above, the application stands disposed of.

11. Pending applications, if any, also stand disposed of.

(MEHROZ K. PATHAN, J.)