



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

ANTICIPATORY BAIL APPLICATION NO. 140 OF 2026

ADITYA SAMPAT KOLHE

VERSUS

THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION NO. 731 OF 2026

IN ABA/140/2026

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Advocate for Applicant : Mr. Prashant Prabhakar Giri a/w
Mr. Sandip D. Ghodke

APP for Respondents/State : Mr. A. S. Shinde

Advocate for assisting prosecution : Mr. Vineet S. Jadhav

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CORAM : MEHROZ K. PATHAN, J.

DATE : 8th APRIL 2026

PER COURT :

1. Heard the learned Counsel Mr. Giri for the Applicant, learned Counsel Mr. Jadhav for assisting the prosecution and the learned APP Mr. Shinde for the Respondent/State.
2. The Applicant has approached this Court, seeking anticipatory bail application in connection with Crime No. 506/2025 registered with Pundliknagar Police Station, District Aurangabad for the offences punishable under Sections 109, 115(2), 351(2), 189(2) of the Bhartiya Nyaya Sanhita, 2023.
3. The case of the prosecution is that one Amol Kalyankar

Navdhar lodged report when he was admitted in hospital that on 15.12.2025 at about 10:00 p.m. he had gone to hotel Chul Angan for dinner. When he was taking dinner, the owner of the hotel Sachin Mundhe, Vishal Lahamege and Bharat Mundhe were also taking dinner. The informant joined them. Akash Shinde and Pravin Narwade also joined all of them. One Yogesh Kharat came and joined them. He informed the informant that Pravin Narwade told him bad words regarding the informant. Saying so he called six to seven persons by making phone call. Three to four persons came near his table. At that time, Yogesh Kharat instigated them to kill the informant. Therefore, Aditya Kolhe and other two persons gave slaps and fists on the face and in the back of the informant. One Shyam Popatghat came there and with the help of a glass he gave blow thereof on the forehead, nose and face of the informant. The informant fell down. After the quarrel was rescued, he was admitted in lifeline hospital. Only after he regained consciousness he came to know from the doctor that he had suffered 60 stitches to his injuries in the operation. Therefore, he lodged report against assailants.

4. The learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the present crime. Even assuming, without admitting, the role of the Applicant, it is very limited. The alleged incident took place at the spur of the moment, without any pre-planned assault. The Applicant is not alleged to have carried any weapon and is only alleged to have assaulted by fists and kick blows. The more serious assault is attributed to accused Shyam

Popatghat, who is alleged to have broken a bottle on the head of the complainant, resulting in the injuries sustained by the complainant. The application of Shyam, being ABA No. 153/2026, was withdrawn as this Court was not inclined to grant any relief to the said accused. The Applicant is not having any criminal antecedents and is further ready to abide by any conditions that may be imposed by this Court. Hence the Applicant may be released on anticipatory bail.

5. As against this, the learned Assisting Counsel Mr. Bhagat strongly opposes the present application on the ground that the Applicant is involved in the serious offence of attempt to commit murder by forming an unlawful assembly. The cumulative effect of the assault, when taken into consideration, shows that an unlawful assembly was formed with the common object of attempting to commit the murder of the complainant. The offence is serious in nature and punishable with life imprisonment. Hence the Applicant may not be released on bail.

6. The learned APP Mr. Shinde also opposes the present application on the ground that the victim complainant has sustained serious injuries in the assault. The Applicant was a member of the unlawful assembly. It is not necessary to specify the overt act of each and every accused in a case of unlawful assembly. Even so, the FIR specifically alleges the role of the present Applicant in assaulting the complainant. The provisions of Section 189(2) BNSS are invoked against the present Applicant. Hence the custodial interrogation of

the Applicant is necessary to complete the investigation and the Applicant may not be released on bail.

7. I have gone through the investigation papers made available by the learned APP. A perusal of the FIR as well as the statements recorded by the prosecution during the course of investigation would show that the only role attributed to the present Applicant is assault by means of fists and kick blows along with two other unknown accused persons. The main accused, Shyam, against whom there are allegations of assault by means of a bottle on the head of the complainant, has already withdrawn his bail application, as this Court was not inclined to grant any relief to him.

. Be that as it may, these are prima facie observations made for the purpose of deciding the present application and the same may not influence the trial Court. Taking into consideration the nature of the allegation against the Applicant and the Applicant is not having any criminal antecedents, I am inclined to protect Applicant. The apprehension of the learned APP and learned Assisting Court Mr. Bhagat that the Applicant if released on bail may tamper with the prosecution evidence and threaten the complainant thereby cause prejudice to the prosecution case, can be taken care of by imposing stringent conditions upon the Applicant. Hence, the following order:

ORDER

(i) In the event of arrest of the Applicant - Aditya Sampat Kolhe in connection with Crime No. 506/2025 registered with Pundliknagar Police Station, District Aurangabad for the offences

punishable under Sections 109, 115(2), 351(2), 189(2) of the Bhartiya Nyaya Sanhita, 2023, he be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousands) with two solvent sureties in the like amount, on the following conditions :

(ii) The Applicant is directed to attend Pundliknagar Police Station, District Aurangabad on 15th, 16th, 22nd, 23rd, 29th, and 30th April of 2026 between 11:00 am. to 01:00 pm. and thereafter as and when called by the Investigating Officer till filing of the charge-sheet.

(iii) The Applicant shall not enter the jurisdiction of Pundliknagar Police Station except for attendance on the aforesaid dates.

(iv) The Applicant is directed not to tamper with the evidence and shall not threaten the complainant or the witnesses.

(v) The Applicant shall attend the trial on each and every date unless so exempted by the trial Court on emergency conditions.

(vi) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(vii) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.

(viii) With the aforesaid directions, the application is disposed of.

(ix) The application for assisting the prosecution is also disposed of.

MEHROZ K. PATHAN
JUDGE

NAJEEB..