



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

**962 ANTICIPATORY BAIL APPLICATION NO. 437 OF 2026
WITH
CRIMINAL APPLICATION NO. 1001 OF 2026
IN ABA/437/2026**

1. Ashruba Namdev Andil,
Age; 65 years, Occ; Agril,
R/o; Pahadi Pargaon,
Tq. Dharur, Dist. Beed
2. Pratap @ Parshuram Ashruba Andil,
Age; 40 years, Occ; Agril,
R/o; Pahadi Pargaon,
Tq. Dharur, Dist. Beed.
3. Dilip Namdev Andil,
Age; 60 years, Occ; Agril,
R/o; Pahadi Pargaon,
Tq. Dharur, Dist. Beed.
4. Madrasbai Damodhar Andil,
Age; 49 years, Occ; Agril,
R/o; Pahadi Pargaon,
Tq. Dharur, Dist. Beed.
5. Siminta Dilip Andil,
Age; 50 years, Occ; Agril,
R/o; Pahadi Pargaon,
Tq. Dharur, Dist. Beed.

...APPLICANTS
(Orig. Accused Nos.
4,5,6,7& 9)

VERSUS

1. The State of Maharashtra,
Through Officer in Charge,
Police Station Dharur,
Dist. Beed.
2. The Superintendent of Police,
Beed, Dist. Beed.

...RESPONDENTS.

...
Advocate for Applicants : Ms. Ashwani Patil h/f Mr. Salunke
Sudarshan J.

APP for Respondent Nos. 1 & 2/State : Mr. P.D.Patil
Advocate for Respondent No. 2 (Assist to APP) Mr. Shivaji S. pathade

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CORAM : MEHROZ K. PATHAN, J.

DATE : 10.04.2026.

PER COURT :

1. Heard the learned counsel for the respective parties.
2. At the outset, the learned Counsel for the applicants, on instructions, seeks permission to withdraw the application against applicant No. 1 Ashruba Namdev Andil, as this Court was not inclined to grant him any relief.
3. Permission is granted. The application is disposed of/dismitted as against applicant No. 1 Ashruba Namdev Andil.
4. The applicants Nos. 2 to 5 have approached this Court seeking anticipatory bail in connection with the Crime No. 45 of 2026, registered with Dharur Police Station, District Nanded for the offence punishable under Section 189 (2), 191 (2), 190, 118 (1), 115 (2), 352, 351 (2) of the Bhartiya Nyaya Sanhita.

5. The case of the prosecution is that the informant lodged FIR against these applicants/accused that on 14/02/2026 at 10.15 am the informant, his mother Kamalbai and father Purshottam were in their field Gat No. 246. At that time, Sunil Andil, Damodhar Andil, Annabhau Andil came there and started to remove the bandh (embarkment) by JCB and throwing stones and mud on the road. Thereon, informant said do not throw it. As soon as he said then, Damodhar Andil instigate to his sons to catch him and said do not leave him, kill him, and thereby he hit stone on back of informant, his right knee. The accused Annabhau Damodhar and Sunil laid down to him on stone and caught his neck and again they assaulted him with the stone. When he shouted loudly then his father, mother came there and they rescued him, but Damodhar Andil, Parshuram, Dilip, Madrasbai, Radha Andil, Simiinta Andil caught to his father mother and lay them down and thereby assaulted them with stone and with kicks and fist blows. Damodhar Ramrao Andil assaulted to his father with Katti on his back. Annabhau and Sunil Andil both have assaulted to his father with iron rod on his chest and back, thereby caused grievous injury to his chest and back. Other accused assaulted his father with a stones and they threatened to the informant and his parents that they will cut their hands and legs with Katti. The informant recorded this incident in Video and thereafter lodged FIR to Dharur police station.

6. The learned counsel Ms. Ashivini Patil appearing for the applicants submits that the applicant Nos. 2 to 5 are falsely implicated in the present crime and entire allegations of assault are attributed to the co-accused Sunil, Damodhar and Annabhau, who are already arrested and released on regular bail by the learned Sessions Court vide order dated 08.04.2026. The perusal of the order releasing the arrested accused on bail itself would make it clear that entire allegations of assault are made only against the arrested released co-accused namely Sunil, Damodhar and Annabhau and not against the present applicants Nos. 2 to 5. The present applicants are arrayed as an accused with an intention to drag the entire family in this Court. The First Information Report No. 45 of 2026 dated 16.02.2026 is a counter to the earlier First Information Report bearing No. 42 of 2026, registered on 14.02.2026 by Damodhar Ramrao, who is one of the accused in the present crime, wherein, the Complainant Balkrushna alongwith his parents are also one of the accused in the said F.I.R. The present F.I.R. is lodged after two days of the incident deliberately implicating the role of the present applicants without there being any evidence to that effect. The applicant Nos. 2 to 5 are having deep roots in the Society. The applicants are not having any criminal antecedents and are ready to abide any conditions imposed by this Court.

7. The learned APP alongwith the learned counsel assisting the learned APP have strongly opposed the present application. The learned APP submits that the offences are serious in nature and the victim Purushottam who is father of the Complainant was seriously injured in the incident and was required to undergo treatment for a period of three weeks for his injuries. All the applicants are members of the unlawful assembly and under influence of the common object was attempt to commit murder of the Complainant and his family members. The applicants are specifically named in the present First Information Report, therefore, the principles of parity would not apply as against accused Damodhar, Sunil and Annabhau as the accused already released on regular bail. The role of the present applicants is clearly made out in the F.I.R., as well as in the statement recorded during the course of investigation. Thus, the custodial interrogation of the applicant Nos. 2 to 5 is necessary. Moreover, if the applicants are released on anticipatory bail, there is every likelihood that the applicants may again commit identical offences and may cause disturbance of the public order, hence the application may be rejected.

8. I have gone through the investigation papers made available by the learned APP. The perusal of the investigation papers shows that the allegations against the present applicant Nos. 2 to 4

are general in nature and the allegations of assault are mainly attributed to the other accused Damodhar, Sunil and Annabhau. The application of the applicant No. 1 Ashruba who has allegedly assaulted to the Complainant and his family members by means of stone is already withdrawn. The submission of the learned counsel for the applicants that the applicant Nos. 2 to 5 are falsely roped in the offence with intention to drag the entire family members in the present crime, cannot be ruled out at this stage, as there is earlier F.I.R. filed bearing No. 42 of 2026 filed by Damodhar, wherein the Complainant and his parents are accused.

9. Be that as it may, these observations are prima-facie in nature and only for the purpose of deciding the present application and the same may not be influenced by the trial Court. The apprehensions of the learned APP can be taken care by imposing stringent conditions upon the present applicants.

10. Taking into consideration the nature of the allegations against the present applicants, I am inclined to protect the present applicants in exercise of powers under Section 248 of the B.N.S. Hence following order :

ORDER

(a) In the event of arrest of the Applicants – 2.

Pratap @ Parshuram Ashruba Andil, 3. Dilip Namdev Andil, 4. Madrasbai Damodhar Andil and 5. Siminta Dilip Andil, in connection with Crime 45 of 2026, registered with Dharur Police Station, District Nanded for the offence punishable under Section 189 (2), 191 (2), 190, 118 (1), 115 (2), 352, 351 (2) of the Bhartiya Nyaya Sanhita, they be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousands) each with two solvent sureties each in the like amount, on the following conditions :

(i) The Applicants are directed to attend Dharur Police Station, District Nanded on 22nd, 23rd, 24th, 30th April, 2026, in between 11:00 a.m. to 01:00 p.m. and co-operate with the Investigating Officer and shall attend the concerned Police Station, thereafter present themselves as and when called by the Investigating Officer, till filing of the charge-sheet.

(ii) The Applicants shall not enter the Pahadi Pargaon Tq. Dharur Dist. Beed, till filing of the charge-sheet and shall provide their alternate addresses where the applicants are ordinarily resides.

(iii) The Applicants are directed not to tamper with the evidence and shall not threaten the complainant or the witnesses.

(iv) The Applicants shall submit their Aadhar Cards and PAN Cards to the Investigating Officer

and detailed addresses and phone numbers of themselves and two of the near relatives.

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

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

(vii) In view of disposal of the Anticipatory Bail Application the application bearing No. Criminal Application No. 1001 of 2026 in ABA No. 437 of 2026 for assisting the learned APP is also disposed of accordingly.

(MEHROZ K. PATHAN, J.)

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