



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

ANTICIPATORY BAIL APPLICATION NO. 618 OF 2026

1. BABURO PANDURANG SARKATE
2. RAKHAMAJI SAKHARAM KADAM
3. AADINATH BALAJI SARKATE

VERSUS

THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION NO. 1598 OF 2026
IN ABA/618/2026

...

Advocate for Applicants : Mr. Chaitanya Deshpande h/f
Mr. Magar Balasaheb N

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

Advocate for Complainant : Mr. Barhate Y.R.

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 29th APRIL 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.149/2026 registered with Hingoli (Rural) Police Station, District Hingoli for the offences punishable under Sections 115(2), 118(1), 118(2), 189(2), 190, 191(2), 191(3), 351(2), 352 of Bharatiya Nyaya Sanhita, 2023.

3. At the outset, learned Counsel for the Applicants upon instructions, seeks permission to withdraw the application to the extent of Applicant No.3/Aadinath Sarkate, as this Court was not inclined to grant any relief. Permission is granted. The application stands disposed of as withdrawn to the extent of Applicant No.3.

4. Insofar as the Applicant Nos. 1 and 2 are concerned, the learned Counsel for the Applicants, Mr. Deshpande, submits that they have been falsely implicated in the present crime due to previous enmity. There are counter FIRs, including FIR No. 157/2026 registered on 14.03.2026 at the behest of Applicant Baburao, who was also injured in the said incident. The incident was without premeditation and occurred at the spur of the moment. The Complainant Sudhakar has also been added as an accused in Crime No. 157/2026 registered by Baburao for the same incident dated 07.03.2026. Even if the allegations against the Applicants are taken to be true, they are alleged only to have assaulted the Complainant Sudhakar by means of fists and kick blows. The injury sustained by Vilas is simple in nature. Furthermore, an application has been made by Applicant Baburao to obtain the CCTV footage of the hospital, wherein it is alleged that the injured Vilas inflicted the injuries upon himself merely to aggravate the offence. The Applicant Nos. 1 and 2 are not having any criminal antecedents are ready to abide by any conditions that may be imposed by this Court. Hence, the Applicants may be protected.

5. The learned Counsel for the Complainant, who has filed an application for assisting the prosecution, as well as the learned APP Mr. Shinde, strongly opposes the application on the ground that the Applicants are involved in the serious offence of attempt to commit murder, which is punishable with life imprisonment. The injury certificates show that the victim Sudhakar sustained grievous injury, while the injury certificate of another injured, Vilas, records a stab wound. Thus, the allegations in the FIR are corroborated by the medical evidence collected during the course of investigation. There are eye-witnesses to the incident of assault, and their statements also corroborate the allegations against the Applicants as stated in the FIR. The Complainant Sudhakar was required to undergo treatment for the grievous injury sustained by him, which explains the delay in registration of the FIR. The said delay is therefore sufficiently explained. If released on bail, the Applicants may again indulge in cognizable offences, threaten the Complainant and other witnesses, and thereby cause prejudice to the prosecution case. Thus, this is not a fit case to release the Applicant on bail.

6. I have gone through the investigation papers made available by the learned APP. The perusal of the case papers shows that a counter FIR was registered on 14.03.2026, being FIR No. 157/2026, for the same incident dated 07.03.2026. Applicant Baburao had also sustained blunt trauma to the head and chest. The incident was a fallout of the encroachment removal drive, wherein the Complainant is alleged to have informed the authorities about the encroachment

carried out by the Applicants. Even if the allegations are taken to be true, the only role attributed to Applicant Nos. 1 and 2 is assault by means of fists and kick blows. The other assaults are attributed to Vilas, Namdeo, and accused Adinath. The bail application of Adinath Sarkate has already been withdrawn as this Court was not inclined to grant bail. There is considerable delay in lodging the FIR. The investigation papers show that the Complainant was discharged on 08.03.2026, and no explanation has been provided in the statement justifying the delay in lodging the FIR.

. Be that it may, these observations are prima facie in nature made only with purpose to decide the application and shall not influence the trial Court. The apprehension of the learned Counsel appearing for the Complainant and the learned APP can be taken care of by imposing stringing conditions. Since the Applicant Nos. 1 and 2 are not having any criminal antecedents and are ready to abide by any conditions, I am inclined to protect the Applicant Nos. 1 and 2, however upon certain conditions. Hence the following order :

ORDER

(i) In the event of arrest of the Applicant Nos. 1 and 2 - Baburo Pandurang Sarkate and Rakhamaji Sakharam Kadam in connection with Crime No.149/2026 registered with Hingoli (Rural) Police Station, District Hingoli, 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 Applicant Nos. 1 and 2 shall attend Hingoli Police Station, District Hingoli on every Monday and Saturday between 11:00 am. to

01:00 pm. and thereafter as and when called by the Investigating Officer, till filing of the charge-sheet.

(b) The Applicant Nos. 1 and 2 shall not enter the Village Samga till framing of the charge.

(c) The Applicant Nos. 1 and 2 shall not tamper with the prosecution evidence and shall not influence the witnesses.

(d) The Applicant Nos. 1 and 2 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.

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

MEHROZ K. PATHAN
JUDGE

NATEEB..