



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 47 OF 2026

Baban Bapurao Gadhave And Others

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....

Advocate for Applicant : Mr. Dhanraj Ingole h/f. Mr. Padaswan Rohit
Devidas

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

CORAM : MEHROZ K. PATHAN, J.

DATE : 13th JANUARY, 2026.

P.C. :-

1. The applicants have filed the present application seeking their release on anticipatory bail in connection with Crime No. 123 of 2025, registered with Mirajgaon Police Station, District Ahilyanagar for the offences punishable under Sections 118-1, 115-2, 189-2, 191-2, 191-3, 190, 352, 351-3, 324-4 of the Bhartiya Nyaya Sanhita.

2. The learned counsel for the applicants submits that initially, the FIR was filed under Section 118(1) of the Bhartiya Nyaya Sanhita. After a period of six months, the gravity of the offence was increased by adding Section 118(2) of the Bhartiya Nyaya Sanhita ("BNS" for sake of brevity). The trial court has rejected the bail application only on the ground that the weapons used in commission of offence are to be recovered. Even before addition of Section 118(2) of BNS, the applicants were allegedly issued notice under section 35 of Bhartiya Nyaya Suraksha Sanhita and as such, there was no necessity of arrest of the applicants.

The complainant and the other injured persons are discharged from the hospital. It is further submitted that there is a cross complaint bearing FIR No.124 of 2025 at the behest of Shekhar Shinde against the Dipak Gadhave, the complainant herein and other members of the Gadhave family. Even though it is subsequent in point of time, the said FIR relates to the same incident dated 4.6.2025. Thus, false implication of the applicant cannot be ruled out. There is six day's delay in lodging the FIR. The present FIR is an after-thought, wherein, all the family members of the applicant, who are also relatives of the complainant, are roped in. The learned counsel, therefore, prays for release of the applicants on bail.

3. As against this, the learned APP vehemently opposes the application on the ground that the allegations are serious in nature and that the applicants are specifically attributed role of assaulting the complainant by means of dangerous weapons. The injuries sustained by the complainant are grievous in nature. The provisions of Section 118(2) are rightly added looking to the gravity of the offence and nature of weapons being used by the present applicants. The learned Sessions Judge has rightly rejected the bail application. It is further submitted that the applicants and complainant's family are near relatives and there is every likelihood that the applicants, if released, may again commit offenses of like nature and hence, the application may be rejected.

4. I have gone through the allegations made in the FIR as well as the order rejecting the bail application. Perusal of the allegations against the applicants show that the applicant Baban Gadhave is alleged to have attributed the role of assaulting Jijabai i.e. mother of the complainant by means of a Koyta (a sickle). The applicant Meghnil is attributed role of assaulting with axe on right shoulder of Dhananjay. The applicant Pralhad is attributed the role of assaulting on right hand of informant Dipak by iron rod. The applicant Shubham is alleged to have

assaulted on the left hand of the complainant Dipak by means of iron rod. The applicant Meghnail is attributed the role of assaulting on the right hand of Dhananjay by means of an axe. Thus, all the applicants are alleged to have used dangerous weapons. Even though the cross-FIR is filed against the complainant and his family by one of the accused, i.e. accused No.10, same does not matches the gravity of the offence against the present applicant. The investigation papers show that the applicant Jayram caused grievous injury on the head of complainant Dipak. The assault had also resulted in fracture injury sustained by complainant to his left hand. Thus, all the applicants are alleged to have used dangerous weapons, causing grievous injuries to the complainant's family. The allegations are directly implicating the role of each of the applicants and as such, in my view, this is not a fit case for exercise of discretion to grant anticipatory bail to the applicants. The application for anticipatory bail, therefore, stands rejected.

[MEHROZ K. PATHAN]
JUDGE.

grt/-