



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

ANTICIPATORY BAIL APPLICATION NO. 152 OF 2026

1. VIJAY UTTAM AVHAD
2. PRITAM RAVI LONDHE
3. ADITYA DNYANESHWAR AVHAD
4. ISHWAR VIJAY SHELAR
5. VICKY @ KIRAN ALKESH AVHAD

VERSUS

THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Kanade Angad Lala
APP for Respondents/State : Mr. R.K. Ingole
...

CORAM : MEHROZ K. PATHAN, J.

DATE : 18th FEBRUARY 2026

PER COURT :

1. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No. 6/2026 registered with Khultabad Police Station Tq. and Dist. Aurangabad for the offences punishable under Sections 109(1), 115(2), 352, 351(2), 351(3), 189(2), 190, (191(2) and 191(3) of BNSS 2023.

2. The case of the prosecution is that the informant and her husband, residents of Kasabkheda, went to the weekly market on 03.01.2026. While parking their motorcycle in front of the Gram Panchayat, accused Nos. 1 to 4 obstructed them, used foul language, and began quarrelling. Accused No. 1 then started manhandling them and made a phone call to her relatives. Accused Nos. 5 to 8

rushed to the spot and began beating the informant and her husband. Accused No. 1 declared that she would not leave the husband alive, asked for knives to be brought, and stabbed him in the abdomen. Accused No. 2 also stabbed him. When the informant tried to intervene, she was beaten by all the accused with fist blows and kicks. When the husband of the Informant was taken to the hospital by car, the accused again assaulted and tried to beat him. He was threatened to be killed. He was taken to the Government Dispensary and further referred to Ghat Hospital where he underwent surgery and was kept in ICU and thereby the crime registered.

3. The learned Counsel for the Applicants submits that the Applicants have been falsely implicated in the present crime. At most, the allegations against them pertain to assault by fists and kick blows. Another co-accused/Sangeeta, who was alleged to have played an identical role of assault by fists and kick blows, has already been released on anticipatory bail by this Court vide interim order dated 05.02.2026. The learned Counsel further submits that the Applicants are all young students, have no criminal antecedents, and are ready to abide by any conditions that may be imposed by this Court

4. On the other hand, the learned APP vehemently opposes the present application on the ground that, even though the role of the present Applicants is restricted to assault by fists and kick blows, the cumulative effect of the entire incident must be taken into

consideration. The Applicants are alleged to have assaulted with fists and kick blows initially, and even after the complainant's husband was stabbed, there is a further allegation that all the accused persons continued to assault him with fists and kick blows instead of taking him to the nearest hospital. He therefore submits that the Applicants, along with the other accused, formed an unlawful assembly gathered with the common object of assaulting and attempting to commit the murder of the complainant's husband. The Applicants, therefore, do not deserve protection by exercise of powers under Section 482 of the BNSS for grant of anticipatory bail. Hence, the application may be rejected.

5. I have gone through the allegations in the FIR as well as the order passed by the learned Sessions Court. A perusal of the FIR shows that the informant and her husband, residents of Kasabkheda, had gone to the weekly market on 03.01.2026, where a trivial quarrel regarding parking a motorcycle in front of the Gram Panchayat resulted in the present incident. Accused No. 1 started manhandling the complainant and her husband and, on that count, made a phone call to her relatives. Applicant Nos. 2 to 5 then arrived at the spot and began assaulting the complainant's husband with fists and kick blows. Accused No. 1 exhorted and instigated the Applicants not to leave the complainant's husband alive and asked for a knife to be brought. A knife was procured from the nearby market, and the complainant's husband was stabbed in the abdomen. When the informant tried to intervene, she was again beaten by all the accused,

including the present Applicants, with fists and kick blows. While the complainant's husband was being taken to the hospital, the accused again assaulted him, attempted to beat him further, and threatened to kill him. The complainant's husband was taken to the Government Hospital and thereafter referred to the Government Medical College at Aurangabad for further surgery, where he was required to be admitted in the intensive care unit.

6. The perusal of the allegations in the FIR merely implicates the role of the present Applicants as participants in the assault along with the other main accused, whose bail application was rejected by this Court vide order dated 05.02.2026 in ABA No. 204/2026. Thus, taking into consideration the gravity of the offence, and the fact that the offence under Section 109 is punishable with life imprisonment, I am not inclined to grant anticipatory bail to the Applicant.

7. Insofar as the plea of parity invoked by the present Applicants, pertaining to the interim protection granted to another co-accused, Sangeeta, vide order dated 05.02.2026 in ABA No. 204/2026, the same was only an interim order passed in view of the fact that the Applicant Sangeeta who is a woman, and until the investigation papers were received and final orders passed, she was granted protection. The said interim order would not operate to apply the principles of parity in the case of the present Applicants, who are specifically named as having arrived at the spot and assaulted the complainant and her husband with fists and kick blows,

even after the incident of stabbing, wherein the complainant's husband was stabbed twice by the main accused Radhabai as well as Akash, after procuring a knife from the market. Thus, the principles of parity would not apply in the case of the present Applicants.

8. After going through the allegations in the FIR, considering the gravity of the offence, and noting that the offence under Section 109 is punishable with life imprisonment, I am not inclined to entertain the present application under Section 482 of the BNSS for grant of anticipatory bail. The application is hereby rejected.

MEHROZ K. PATHAN
JUDGE

NATEEB..