



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 207 OF 2026

1. Ashok Vishnu Todmal
2. Jayram Vishnu Todmal

VERSUS

The State Of Maharashtra And Another

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- Mr. D. R. Kale, Advocate for Applicants
- Mr. AAA Khan, APP for Respondents - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 20.02.2026

PER COURT :

1. Heard learned counsel for the applicants and the learned APP for the respondents-State.
2. The applicants have approached this Court apprehending arrest in connection with FIR No. 1409 of 2025 dated 22.12.2025, registered with Rahuri Police Station, District Ahilyanagar, for the offences punishable under Sections 118(1), 118(2), 115(2), 189(2), 190, 191(2), 191(3), 351(2) and 352 of the BNS, 2023.
3. The prosecution case is that on 19.12.2025 at about 08:00 p.m., while the complainant was present in his agricultural land bearing Gat No. 1257 at Sase Gandhale Vasti, Vambori, Tq. Rahuri, Dist. Ahilyanagar, the accused Ashok, Jayram, Shekhar, Omkar and one unknown person assaulted him due to a previous agricultural

dispute regarding right of way to the field, in respect of which proceedings are pending before the Mamlatdar's Court. It is alleged that applicant Ashok used a koyta, applicant Jayram used a wooden stick, co-accused Shekhar used an iron rod and Omkar assaulted the complainant with fist and kick blows. The complainant was admitted to Rural Hospital, Rahuri for two days and thereafter lodged the present FIR on 22.12.2025.

4. Learned counsel for the applicants submits that the applicants have been falsely roped in due to ongoing disputes regarding right of way. It is contended that the allegation against applicant Ashok of using a koyta is not supported by the medical report, as no incised injury by a sharp weapon is found. It is further submitted that co-accused Omkar has already been granted anticipatory bail by the learned Sessions Court. The applicants had also lodged an earlier FIR bearing Crime No. 1404 of 2025 dated 20.12.2025 in respect of the same incident, which is prior in point of time. It is thus contended that the present FIR is a counterblast. The applicants have no criminal antecedents and are willing to abide by any conditions that may be imposed by this Court.

5. As against this, the learned APP opposes the application on the ground that the complainant has sustained grievous injury, namely fracture of the left ulna, as reflected in the injury certificate issued by

Rural Hospital, Rahuri. It is submitted that the applicants and the complainant are neighbours having adjacent agricultural fields and there is likelihood of further incidents. It is further submitted that the role of co-accused Omkar is distinct and the main accused Shekhar is absconding; hence, the applicants are not entitled to parity. There is apprehension that if released on bail, the applicants may assist the absconding accused and tamper with the evidence.

6. I have gone through the investigation papers made available by the learned APP. A perusal of the same indicates that the injuries sustained by the complainant, Aadinath Borkar, are shown to have been caused by an iron rod. The allegations in the FIR attribute the assault by means of an iron rod specifically to accused Shekhar, who has been absconding since the registration of the offence. The other accused, Omkar, who is attributed only assault by fist and kick blows, has already been granted anticipatory bail by the learned Sessions Court.

7. There appear to be several disputes between the parties regarding the right of way to their respective agricultural fields, which are adjacent to each other. Applicant Jayram has already lodged an earlier FIR bearing No. 1404 of 2025 on 20.12.2025 in respect of the same incident, whereas the present FIR has been registered subsequently on 22.12.2025. Though the complainant

therein has offered an explanation for lodging the FIR after discharge from the hospital, there are no medical papers on record to indicate that the complainant was under treatment till 22.12.2025. The Injury Certificate also does not reflect that the complainant was admitted for treatment at Rural Hospital, Rahuri.

8. However, these observations are prima facie in nature and are confined only to the adjudication of the present anticipatory bail application and shall not influence the Trial Court. Considering the material collected during investigation, particularly that the main allegation of assault by a dangerous weapon, namely an iron rod, is attributed to the absconding accused Shekhar, I am inclined to grant protection to the applicants. The apprehensions expressed by the learned APP can be adequately addressed by imposing stringent conditions while granting anticipatory bail. Hence, the following order is passed :

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. In the event of arrest of the applicants, namely (1) Ashok Vishnu Todmal and (2) Jayram Vishnu Todmal, in connection with FIR No. 1409 of 2025 dated 22.12.2025 registered with Rahuri Police Station, District Ahilyanagar, for the offences punishable under Sections 118(1), 118(2), 115(2), 189(2), 190, 191(2), 191(3), 351(2) and 352 of

the BNS, 2023, they shall be released on bail on furnishing P.R. bond of Rs. 50,000/- (Rupees Fifty Thousand) each with one or two solvent sureties in the like amount each, subject to the following conditions:

- A) The applicants shall attend Rahuri Police Station and report to the Investigating Officer on 26th and 27th February, 2026 and 05th, 06th, 12th and 13th March, 2026 between 12:00 noon and 02:00 p.m., and thereafter as and when called by the Investigating Officer.
- B) The Applicant shall also cooperate with the investigation.
- C) The applicants shall not enter Borkar Vasti and the agricultural field of the complainant till framing of charge. In case of any emergency, they may seek permission from the Trial Court.
- D) The applicants shall provide their alternate residential address to the Investigating Officer.
- E) The Applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- F) The applicants shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

9. Needless to say, violation of any of the aforesaid conditions may entitle the prosecution to seek cancellation of the anticipatory bail granted hereinabove.

10. The observations made herein are prima facie and shall not influence the Trial Court while deciding the case on its own merits.

11. In view of the above, the Anticipatory Bail Application stands disposed of.

(MEHROZ K. PATHAN, J.)