

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 218 OF 2026

Gorakh Devrao Khamkar

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....

Advocate for Applicant : Mr. Shekade Shashikant E

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

Advocate for complainant to assist the prosecution : Mr. Shubham S.
Pawar.

WITH

**CRIMINAL APPLICATION NO. 805 OF 2026
IN ABA/218/2026**

CORAM : MEHROZ K. PATHAN, J.

DATE : 27th APRIL, 2026.

P.C. :-

1. The applicant is seeking anticipatory bail in connection with Crime No. 1 of 2026 registered with Beed Rural Police Station, District Beed, for the offences punishable under Sections 109, 352 of the Bhartiya Nyaya Sanhita.

2. The case of the prosecution is that, Informant Jalindar Gopinath Khamkar lodged F.I.R. on 02.01.2026 alleging that, on 31.12.2025 at about 11.00 p.m. he received call from one Sunil Anant Misal asking him to come to Hotel Anant for some work. Thereafter, the informant went there with Yogesh Shendge and Balasaheb Katkar. When they reached at the hotel, he asked his companions to wait in the car and went to meet the accused Sunil Misal. Then the accused asked him, why

he was harassing his brother-in-law and started abusing him. He caught hold of informant's collar and pushed him. While Yogesh and Balasaheb walking towards the informant, accused Sunil brought an axe from the hotel and inflicted its blow on informant's head. Yogesh Shendge caught his axe when he was about to inflict its second blow. The informant sustained grievous injury on his head and lost his consciousness. Hence, the F.I.R.

3. Mr. Shekade, learned counsel for the applicant submits that the applicant is falsely implicated in the present crime. Even if the allegations are taken to be true, the applicant was not even present on the spot and another accused Sunil Misal is falsely alleged to have assaulted the informant at the behest of the present applicant. The applicant is not having any criminal antecedent except some previous disputes between the family of the complainant and applicant. The applicant is ready to abide by any conditions that may be imposed by this Court. Hence, the applicant may be released on anticipatory bail.

4. As against this, the learned APP as well as Mr. Pawar, the learned assisting counsel strongly oppose the application on the ground that the assault on Jalindar Khamkar which has resulted in grievous injury sustained by Jalindar on his vital part i.e. occipital region, the victim Jalindar was required to undergo treatment for many days. The attempt to commit murder of Jalindar was by accused Sunil Misal who had acted at the behest of the applicant so as to cause his murder. The offence is punishable with life imprisonment. Hence, the application may not be released on bail.

5. The learned assisting counsel further submits that there was a Non Cognizable offence registered at the behest of the family members of Khamkar family. The applicant, if released on bail, may again commit

an identical offence thereby disturbing the law and order. There is every likelihood that the applicant may threaten the complainant and his family members and thereby cause prejudice to the prosecution case. Hence, the application may be rejected.

6. I have gone through the investigation papers made available by the learned APP. The perusal of the investigation papers shows the allegation of assault is only against accused Sunil Misal. The accused Sunil Misal was already released on bail after two months of his arrest. The statement of the other witnesses are already recorded. The record shows that there is a grievous injury sustained by complainant. However, the same is attributed to the arrested accused Sunil Misal and not the present applicant. The only role alleged against the present applicant is that the accused Sunil Misal assaulted the complainant at the behest of the applicant. There is no other evidence available in the investigation papers to connect the present applicant in the present crime. However, these are prima facie observations only made for the purpose of deciding the application and the same shall not influence the trial court.

7. Thus, taking into consideration the nature of allegations and the fact that there are no criminal antecedents against the present applicant, I am inclined to protect the applicant. The apprehension of the learned APP and assisting counsel can be taken care of by imposing stringent conditions. Hence, the following order :-

ORDER

[a] In the event of arrest of the applicant, in connection with Crime No. 1 of 2026 registered with Beed Rural Police Station, District Beed, for the offences punishable under Sections 109, 352 of the Bhartiya Nyaya Sanhita, the applicant Gorakh Devrao Khamkar be released on bail on furnishing PR Bond in the sum of Rs. 50,000/-, with one or

more sureties in the like amount, on the following conditions
:-

[i] The applicant shall attend the concerned police station and report to the Investigating Officer on 5th, 6th, 12th, 13th May, 2026 and thereafter, as and when called by the Investigating Officer and shall cooperate with the investigation.

[ii] The applicant shall not tamper with the prosecution evidence.

[iii] The applicant shall not enter the village Khapar Pangri, Taluka and District Beed, till filing of charge sheet.

[iv] A single violation of the condition imposed by this court shall entitle the prosecution to seek cancellation of bail or shall result in vacation of the interim relief.

[v] The applicant shall submit his Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and addresses of two of his near relatives and his current address.

[vi] The application stands disposed of.

[vii] The Criminal application No. 805 of 2026 for permission to assist the prosecution also stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-