



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

946 ANTICIPATORY BAIL APPLICATION NO. 452 OF 2026

1. Sambhaji s/o Hanmant Bhilwande,
Age; 51 years, Occ; Agril,
R/o; Narsi, Tq. Naigaon,
District Nanded.

2. Balaji s/o Hanmant Bhilwande,
Age; 58 years, Occ; Agri,
R/o; Narsi, Tq. Naigaon,
District; Nanded.

...APPLICANTS

VERSUS

State of Maharashtra,
Through Police Inspector,
Ramtirth Police Station,
District Nanded.

...RESPONDENT.

...
Advocate for Applicants : Mr. Vishal Amritlal Bagdiya
APP for Respondents/State : Mr. A.S.Gaikwad
...

CORAM : MEHROZ K. PATHAN, J.

DATE : 01.04.2026.

PER COURT :

1. The applicants have approached this Court seeking anticipatory bail in connection with the Crime No.21 of 2026, registered with Ramtirth Police Station, District Nanded, for the offence punishable under Sections 118-2, 118-1, 189-2, 191-2, 191-3, 190, 333, 296, 115-2, 352, 351-2, 351-3 of the Bhartiya

Nyaya Sanhita and under Section 135 of the Maharashtra Police Act.

2. The learned counsel for the applicants submits that the applicant namely Balaji Hanmant Bhilwande is physically handicapped and medical certificate to that effect is also issued by the Government Medical College and his regular treatment has also been going on till date. As such, the question of committing the said offence at the instance of these applicants do not arise at all, but the court below has not considered the said facts and rejected the application for anticipatory bail, hence this application.

3. The learned counsel for the applicants submits that the applicants are falsely implicated in the present crime. The present FIR bearing No. 21 of 2026, is a counter to the earlier FIR No. 20 of 2026, registered on the complaint made by the accused Ravindra Bhilwande, wherein, the present applicant Gajendra Bhilwande is also an accused in the said incident. Even if, the allegations made against the applicants are assumed to be true, the applicants are alleged only to assaulting Narayan and Mangesh by means of iron rod and sticks, whereas, accused Balaji is alleged to have assaulted Sumit and Kedar by means of wooden stick. The applicant Sambhaji himself is injured in the incident

and he has suffered fracture injury and was required to undertake treatment in Shree Venkateshwara Superficiality Hospital, Nanded.

4. Perusal of the discharge summary issued by Shree Venkateshwara Superficiality Hospital, Nanded show that the treatment was undertaken by the applicants in the said hospital. The counter FIR shows that there are allegations of voluntarily causing grievous hurts by means of dangerous weapon against all the family members of the Complainant party.

5. The applicant Balaji is handicapped and a certificate to that effect showing 61% disability would itself disprove the case against the applicant Balaji. The informant has deliberately lodged the present crime with an intention to drag the entire family members of the applicants in the present crime. The applicants are not having any criminal antecedents and are ready to abide any conditions imposed by this Court. Hence, the applicants may be released on anticipatory bail.

6. The learned APP for the respondents/State strongly opposed the present application on the ground that though the earlier FIR bearing No. 20 of 2026, is registered at the behest of the accused Ravindra, wherein, Gajendra is an accused, there are

serious injuries suffered by said Gajendra, which are grievous in nature and which can be attributed to the unlawful assembly of which the applicants were the members. It is almost a settled law that overt act of each of the accused is not required to be proved wherein the accused/applicants are alleged to be members of the unlawful assembly formed with common object causing grievous injuries by dangerous weapons. The applicants are specifically named in the FIR and are attributed their role in assaulting the other injured witnesses. The other injured witnesses Narayan and Mangesh have also suffered injuries alongwith Sumit and Kedar. Thus, there is ample evidence collected by the prosecution which would prove the case against the applicants, hence the custodial interrogation of the applicants is necessary to complete the investigation in all aspects. The learned APP strenuously submits that if the applicants are released on bail, there is every likelihood that they may commit any other cognizable offence and disturb the public order. Hence, prayed that the application be rejected.

7. I have gone through the investigation papers made available by the learned APP. Perusal of the investigation papers would show that there are allegations of assault in the earlier FIR No.20 of 2026, lodged by the Complainant Ravindra, who is an accused in the present case against the present Complainant

Gajendra Bhilwande in the present case.

8. Perusal of the injury certificate would show that the applicants have suffered fracture of LT 5th metatarsal with head injury and abrasion over the right elbow and who required to undertake treatment at the Shree Venkateshwara Super Speciality Hospital, Nanded.

9. The allegations against the applicants are of assault to Narayan and Mangesh by means of iron rod and sticks. The injury certificates of Narayana and Mangesh would show that they have sustained simple injuries. There are allegations against Balaji assaulting to Sumit and Kedar. The investigation papers and the injury certificates of Sumit and Kedar would show that they have been allegedly assaulted by the applicant Balaji, alongwith another co-accused Ravindra. The accused Ravindra has been already arrested and released on regular bail, alongwith Sudhakar and Gajanan. Thus, taking into consideration that the applicant Sambhaji is injured in the said incident and was required to undertake treatment, and applicant Balaji is 61% handicapped false implication of the applicants to rope the entire family members cannot be ruled out at this stage. However, these are the observations prima-facie in nature to decide this application and the same may not influence the trial Court. The

apprehension raised by the learned APP can be considered by imposing certain conditions on the applicants. Hence, the following order :

ORDER

(1) In the event of arrest of the Applicants, Sambhaji s/o Hanmant Bhilwande and Balaji s/o Hanmant Bhilwande, in connection with Crime No.21 of 2026, registered with Ramtirth Police Station, District Nanded, for the offence punishable under Sections 118-2, 118-1, 189-2, 191-2, 191-3, 190, 333, 296, 115-2, 352, 351-2, 351-3 of the Bhartiya Nyaya Sanhita and under Section 135 of the Maharashtra Police Act, they be released on anticipatory bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousands) each with two solvent sureties each, in the like amount, on the following conditions :

(i) The Applicants are directed to attend Ramtirth Police Station, District Nanded on 8th 9th 15th 16th 22nd and 23rd of April, 2026 in between 11:00 am. to 01:00 pm. and co-operate with the Investigating Officer and thereafter be present as and when called by the Investigating Officer till filing of the charge-sheet.

(ii) The Applicants shall not enter the village Narsi, Taluka Naigaon, District Nanded, till filing of the charge-sheet.

(iii) The Applicants are directed not to tamper with the evidence and shall not threaten the complainant or the witnesses.

(iv) The Applicants shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.

(v) The Applicants shall submit their alternate addresses their Aadhar Card and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves and two of the near relatives.

(vi) A single violation of the aforesaid condition, would entitle the prosecution to seek cancellation of bail of the applicants on that ground.

(2) With the aforesaid directions, the application is disposed of.

(MEHROZ K. PATHAN, J.)

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