



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 454 OF 2026

- 1) Vinayak Ashroba Shikhare
- 2) Aruna Vinayak Shikhare
- 3) Balaji Vinayak Shikhare
- 4) Govind Vinayak Shikhare
- 5) Ashroba Punjaji Shikhare

VERSUS

The State Of Maharashtra

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- Mr. Amol G. Kall, Advocate, h/f. Mr. V. U. Pawar, Advocate for Applicants
- Mr. K. K. Naik, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 07.04.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicants have approached this Court apprehending arrest in connection with FIR No. 0168 of 2025 dated 06.04.2025, registered with Jintur Police Station, District Parbhani, for the offences punishable under Sections 379, 447, 34 of the IPC.
3. The case of the prosecution is that the complainant alleged that he is a resident of Mauje Karanji and is earning his livelihood through agriculture. Accused Nos. 1 and 2 are husband and wife, accused

Nos. 3 and 4 are their sons, and accused No. 5 is the father of accused No. 1. The complainant has land bearing Survey No. 36, admeasuring 3 H 00 R, situated at Mauje Murumkheda, and he cultivates the same with the permission of the Government. Accused Nos. 1 to 5 were constantly obstructing his cultivation, and therefore, he secured a temporary injunction order against them by filing Civil Suit RCS No. 34 of 2021. Despite the same, the accused, having manpower with them, continued to engage in disputes.

4. The complainant further alleged that due to harassment, he had to register offences bearing Nos. 160/2024, 114/2024, 99/2024, and N.C. No. 41/2023 against the accused at Jintur Police Station. The accused wanted him to vacate the field; they abused and even assaulted him.

5. The complainant had gone to attend a marriage ceremony in his family for two days. Upon returning, the son of the complainant (witness No. 1) visited the field and found that the groundnut crop spread over 4 acres had been stolen, valued at Rs. 2 lakhs. Similarly, 25 tin sheets, grain stored in the akhada, and utensils were also stolen. Nearby field owners and witnesses informed him that on 05.04.2024 at about 02:00 p.m., accused Nos. 1 to 4 had entered the field and committed theft of the material. He reported the matter to Jintur Police Station, but they declined to register the complaint. On

07.05.2024, he communicated the matter to the S.P. Office; however, no action was taken. Hence, he lodged the report.

6. Learned counsel for the applicants submits that there is a delay of one year in registering the offence. The disputed land was purchased by Punjaji Damaji Shikhare, who is the father of applicant No. 5 and grandfather of applicant No. 1, from Raoji Bhivnaji Kapure on 31.01.1987, and the applicants were in possession of the said land. There are civil disputes between the parties, wherein applicant No. 5 had earlier filed a complaint against the complainant on 25.02.2024, which culminated into registration of FIR No. 98 of 2024 under Sections 323, 506 IPC and Section 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

7. The applicants had also filed a complaint before the Tehsildar on 23.12.2016. The allegations in the FIR indicate that civil disputes are ongoing between the parties. The civil suit filed earlier by the complainant, Pandit Sakharam Kapure, being RCS No. 01 of 2017, was dismissed with costs vide judgment dated 16.10.2020 passed by the Civil Judge, Junior Division, Jintur, District Parbhani. The complainant thereafter filed another suit in the year 2021, being RCS No. 34 of 2021, wherein an injunction order dated 06.10.2022 was in operation.

8. The applicants do not have any criminal antecedents except for complaints filed by the complainant and the applicants against each other. The applicants are ready to abide by the conditions that may be imposed by this Court and seek protection.

9. Per contra, the learned APP strongly opposes the application on the ground that the applicants are involved in a serious offence of theft. There are eyewitnesses to the incident, who have stated that the applicants committed theft of the agricultural crops sown in the complainant's field. The complainant was having an interim injunction order in his favour and was entitled to harvest the crops. However, the applicants, who were not entitled to do so, allegedly removed the agricultural produce. Hence, custodial interrogation of the applicants is necessary.

10. I have perused the investigation papers made available by the learned APP. The First Information Report was lodged pursuant to the orders passed by the learned JMFC under Section 156(3) Cr.P.C. The spot panchanama has already been conducted, and statements of relevant witnesses, namely Datta Bankar, Bhagwan Kapure, and others, have been recorded. A perusal of the orders passed by the Civil Court indicates that there are civil disputes between the parties. An earlier FIR bearing No. 98 of 2024 dated 25.02.2024 was lodged at the instance of applicant No. 5 against the complainant Pandit

Kapure. Thus, false implication of the present applicants cannot be ruled out at this stage. However, these observations are prima facie in nature and are made only for deciding the present application and shall not influence the learned Trial Court. The apprehension of the learned APP that the applicants may commit a cognizable offence again, as both parties reside in the same village, can be addressed by imposing stringent conditions. Hence, the following order is passed:

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. In the event of arrest of the applicants, they shall be released on bail upon furnishing a P.R. bond of Rs. 50,000/- (Rupees Fifty Thousand only) each, with one or two solvent sureties in the like amount each, in connection with FIR bearing Crime No. 0168 of 2025 registered with Jintur Police Station, District Parbhani, for the offences punishable under Sections 379, 447, 34 of the IPC, on the following conditions:
 - A) The applicants shall attend the concerned police station and report to the Investigating Officer on 10th, 11th, 14th, 15th, 21st, and 22nd April 2026 between 12:00 noon and 02:00 p.m., and thereafter as and when called by the Investigating Officer till filing of the charge-sheet.
 - B) The applicants shall not enter the villages Karanji and Murumkheda, Tq. Jintur, District Parbhani.

- C) The applicants shall also cooperate with the investigation.
- D) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- E) 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.

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

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

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

(MEHROZ K. PATHAN, J.)