



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

ANTICIPATORY BAIL APPLICATION NO.494 OF 2026

1. Bhagwan s/o Dadaba Parathe
2. Sagar s/o Laxman Markad
3. Laxman s/o Ambadas Markad
4. Bharat Navnath Auti

... APPLICANTS

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. D.R. Kale, Advocate for applicants
Mr. R.K. Ingole, A.P.P. for respondents
.....

WITH

**CRIMINAL APPLICATION NO.1218 OF 2026 IN
ANTICIPATORY BAIL APPLICATION NO.494 OF 2026**

Vijay Tukaram Bhitade

... APPLICANT

VERSUS

Bhagwan s/o Dadaba Parathe & ors.

... RESPONDENTS

.....
Mr. P.N. Shejul, Advocate for applicant
Mr. D.R. Kale, Advocate for respondents No.1 to 4
Mr. R.K. Ingole, A.P.P. for respondent No.5
.....

CORAM : MEHROZ K. PATHAN, J.

DATE : 30th MARCH, 2026

PER COURT :

Criminal Application No.1218/2026 is allowed. The applicant is permitted to assist learned A.P.P.

2. After hearing for some time, learned counsel for the applicant seeks liberty to withdraw the application of the applicant No.2 Sagar s/o Laxman Markad and applicant No.4 Bharat Navnath Auti is concerned, as this Court was not inclined to grant any relief to the said applicants. The application stands disposed of as withdrawn insofar as applicant No.2 Sagar s/o Laxman Markad and applicant No.4 Bharat Navnath Auti is concerned.

3. Insofar as the applicant No.1 Bhagwan s/o Dadaba Parathe and applicant No.3 Laxman s/o Ambadas Markad are concerned, the learned counsel for the applicants Mr. Kale submits that, these applicants are falsely implicated in the present crime. The applicants are agriculturists and having land adjacent to each other. The complainant has given No Objection, taking into consideration that the issue is resolved amicably. The applicants as well as the complainant are farmers and have decided to put a

rest to the dispute.

4. Learned counsel for the applicants further submits that, the allegations against the applicants are not corroborated by the medical certificates of the injured. The F.I.R. is an exaggeration. The injuries sustained by the victim is a result of the assault carried out by other two accused persons namely Bharat and Sagar, whereas there are no injuries as alleged against these applicants. He, therefore, submits that, the applicants have no any criminal antecedents and are ready to abide by any conditions which may be imposed by this Court. Hence, prayed that the applicants may be protected.

5. Learned A.P.P. submits that, the applicants along with 4 to 5 unknown persons have assaulted the complainant. The Sections of forming unlawful assembly with a common object of assaulting the victim with intention to cause grievous injuries by dangerous weapons is clearly made out from the perusal of the allegations made in the F.I.R. The overt act of each of the accused persons need not be specifically stated in the F.I.R. However, since there are allegations against all the accused persons, the cumulative effect of the entire assault has to be taken into

consideration. The accused Bharat and Sagar are having criminal antecedents. The applicants Bhagwan and Laxman if released on bail, there is likelihood of indulging in similar offences and maintenance of law and order and also causing prejudice to the prosecution case cannot be ruled out.

6. I have gone through the F.I.R. and the investigation papers. Perusal of the investigation papers shows that, there are four earlier crimes registered against the accused Bharat Nagnath Auti. The said offences are bodily offences, falling under Chapter 16 and 17 of the Indian Penal Code. There are two earlier offences registered against the accused Sagar Laxman Markad, out of which one is for attempt to commit murder and another for voluntarily causing hurt. The aforesaid two applicants Bharat and Sagar have already withdrawn the application.

7. A perusal of the case papers including injury certificates shows injury on right thigh and left ring finger of the complainant which can be attributed against the accused Bharat whereas the injury of laceration on left temporal region can be attributed to accused Sagar, who is alleged to have assaulted by means of sickle on head. The other two injuries are on non-vital part i.e.

finger of the complainant along with mild swelling over right elbow and teeth pain blunt trauma.

8. Be that as it may. The role of the applicants Bhagwan and Laxman does not appear to be clear and specific and the same is not corroborated by injuries sustained by the complainant. Since the applicants are also agriculturists and are from the same village, and the complainant has also filed affidavit, stating that the matter is amicably resolved, and given No Objection to grant anticipatory bail to the applicants Bhagwan and Laxman. The apprehension of the learned A.P.P. that the applicants may again indulge into a cognizable offence and thereby cause disturbance to the public order, the same can be taken care by imposing strict conditions. Hence the following order :

ORDER

(i) The Anticipatory Bail Application of applicant No.1 Bhagwan and applicant No.3 Laxman is allowed. In the event of arrest of the applicant No.1 Bhagwan s/o Dadaba Parathe and applicant No.3 Laxman s/o Ambadas Markad in connection with Crime No.0084/2026, registered with Shevgaon Police Station, District

Ahmednagar for the offences punishable under Sections 109, 189(2), 191(2), 191(3), 190, 115(2), 118(1), 324(4), 352, 351(2), 351(3) of the Bhartiya Nyaya Sanhita, they shall be released on bail executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) each with two sureties in the like amount by each of them.

(ii) They shall attend the concerned police station on 7th, 8th, 14th, 15th, 21st and 22nd of April 2026 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called by the investigating officer.

(iii) The applicants shall co-operate with the investigation and shall not indulge in any other crime.

(iv) The applicants shall submit their Aadhar and PAN Cards to the Investigating Officer along with mobile numbers and addresses of two of their near relatives and their current addresses.

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

(MEHROZ K. PATHAN, J.)

fmp/-