



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

ANTICIPATORY BAIL APPLICATION NO. 504 OF 2026

ASHOK BALASAHEB CHOLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

AND

ANTICIPATORY BAIL APPLICATION NO. 521 OF 2026

SANDESH RAMBHAU DHUMAL

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant in ABA 504/2026: Mr. K. N. Shermale a/w
Mr. Umair Pasha A. Sayyed

Addl. PP for Respondents/State : Mr. A. S. Shinde

Advocate for Applicant in ABA 521/2026: Mr. Thorat N.R.

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 23rd APRIL 2026

PER COURT :

1. Heard the learned Counsels for the Applicants and the learned APP for the State.
2. The Applicants have approached this Court, seeking anticipatory bail in connection with Crime No.20/2026 registered with Dharur Police Station, District Beed for the offences punishable under Sections 140(3) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. The case of the prosecution is that the Informant, father of Dadasaheb Sham Bade, lodged an FIR on 27.01.2026 stating that his son Dadasaheb had been abducted. He raised the suspicion that the abduction might be connected to the fact that his son had obtained an advance of Rs. 36,00,000/- from Dr. Babasaheb Ambedkar Sugar Factory, Dharashiv, out of which Rs. 18,30,000/- had been refunded, while Rs. 17,70,000/- remained unpaid. During the search for his son, one Anil Gholve informed that a white Scorpio car without a number plate had abducted Dadasaheb. Accordingly, the Informant lodged an FIR at Dharur Police Station. The police registered the crime and arrested Manoj Gholve and Ramesh Munde. The names of the present Applicants are alleged to have been disclosed in the statements of the arrested persons. Hence, there is apprehension of arrest of the Applicants in the present crime.

4. The learned Counsel for the Applicants submits that the Applicants have been falsely implicated in the present crime. There was a dispute regarding repayment of an amount to the Sugar Factory, and the Informant, therefore, lodged the FIR against the Applicants. Applicant/Ashok, being a student of Pharmacy, has examinations scheduled from 24.04.2026. He is merely a friend of the main accused and is deliberately roped into the present crime without any supporting evidence. The statement of the abductee, Dadasaheb, has not been recorded even though he alleged that he was released by the kidnappers on 09.02.2026. The learned Sessions Judge released two arrested accused persons, namely Ramesh Munde

and Manoj @ Soniya, vide order dated 10.02.2026. Although the victim claims to have been admitted to the hospital, no documents are on record to prove that he was taken for treatment during the said period, and therefore his statement could not be recorded. Nothing remains to be recovered at the instance of the Applicants, as the vehicle has already been seized. The Applicants are not having any criminal antecedents and they are ready to abide by any conditions that may be imposed by this Court. Hence they may be protected.

5. As against this, the learned APP strongly opposes the present applications on the ground that the Applicants are involved in a serious offence punishable under Section 140 of the BNS for kidnapping. The offence is grave in nature. The FIR was lodged by the father of the victim, who was kidnapped. There are eye-witnesses stating that the Applicant had taken away the victim along with him. The arrested co-accused have also disclosed the name of the Applicant, alleging that he accompanied them during the kidnapping of the victim, Dadasaheb. Thus there is ample evidence to bring home the guilt of the present Applicants. There is every likelihood that if the Applicants are released, they may threaten the Complainant and may influence witnesses and thereby cause prejudice to the prosecution case. Hence, this is not a fit case to release the Applicants on bail.

6. I have gone through the investigation papers made available

by the learned APP. The perusal of the investigation papers shows that although the victim, Dadasaheb, claims to have been released on 09.02.2026, no attempt was made by the Investigating Officer to immediately record his statement. The learned Sessions Judge, while releasing co-accused Manoj @ Soniya and Ramesh Munde on regular bail vide order dated 10.02.2026, specifically observed the non-recording of the victim's statement by the Investigating Officer and therefore granted bail. The investigation papers further reveal that the statement of the victim, Dadasaheb, came to be recorded only on 12.02.2026, after the co-accused had been released on bail by the learned Judicial Magistrate First Class, Dharur, with similar observations. The statement of the victim dated 12.02.2026 also indicates that he was undergoing treatment at Samarth Hospital. The investigation papers show that Samarth Hospital issued a certificate confirming treatment undertaken by the victim; however, the said certificate does not bear any date to establish that the victim was immediately hospitalized after being released from the alleged kidnappers. These are prima facie observations made for the purpose of deciding the application and the same may not influence the trial Court.

. Taking into consideration that there are no criminal antecedents against the Applicants, that both Applicants are ready to abide by any conditions which may be imposed by this Court, and also the fact that Applicant/Ashok is a student with examinations are scheduled from 24.04.2026, I am inclined to protect the Applicants in exercise of discretionary powers under Section 482 BNS. The

apprehension of the learned APP can be taken care of by imposing stringent conditions. Hence the following order :

ORDER

(i) In the event of arrest of the Applicants - Ashok Balasaheb Chole and Sandesh Rambhau Dhumal in connection with Crime No.20/2026 registered with Dharur Police Station, District Beed for the offences punishable under Sections 140(3) and 3(5) of Bharatiya Nyaya Sanhita, 2023, they be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties in the like amount, on the following conditions :

(a) The Applicants shall attend Dharur Police Station, District Beed on 28th, 29th of April, 2026 and 5th, 6th, 12th and 13th of May, 2026 between 05:00 pm. to 07:00 pm. and thereafter as when called by the Investigating Officer, till the filing of the charge-sheet.

(b) The Applicants shall not enter Taluka Dharur, District Beed till filing of the charge-sheet, except for attending the police station on the aforesaid dates.

(c) The Applicants shall not tamper with the prosecution evidence and shall not influence the witnesses.

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

(e) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail.

(ii) Both the applications are allowed in the above terms and stand disposed of.

MEHROZ K. PATHAN
JUDGE

NATJEEB..