



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 658 OF 2026

Swapnil Alias Bhaiya Rajendra Kedar And Another
.....Applicant

VERSUS

The State Of Maharashtra And Another
.....Respondent

.....
Advocate for Applicant : Mr. Patil Ujwal Subhash
APP for Respondents: Mr. K.K. Naik
Advocate for complainant : Mr. Syed Azizoddin R.

CORAM : MEHROZ K. PATHAN, J.

DATE : 4th MAY, 2026.

P.C. :-

1. At the outset, the learned counsel for the applicants, Mr. Patil seeks liberty to withdraw the application in so far as applicant No.2 Sachin Kedar is concerned, as this Court was not inclined to grant any relief to him. Permission granted. The application in so far as applicant No.2 is concerned, stands disposed of as withdrawn.

2. In for as applicant No.1 Swapnil @ Bhaiya is concerned, the only allegation against him is of catching hold of the complainant while the applicant Sachin was assaulting. The applicant No.1 is falsely implicated in the present crime, so as to take revenge against the real brother of the applicant. The allegations of assault by means of Skimmer ("Zara") are against applicant No.2 Sachin. Even if the allegations are taken to be true, the complainant has received only simple injury. There is a counter FIR lodged by the applicants being FIR No. 114 of 2026 for the same incident dated 9.3.2026. The applicant No.1 is not having any criminal antecedents and is ready to abide by any conditions that may be

imposed by this Court. Hence, the applicant may be protected.

3. As against this, the learned APP and the counsel assisting the prosecution vehemently oppose the application. It is submitted that the complainant and his brother and mother have received serious injuries in the assault. The applicant No.1 is directly implicated in the overt act of assault in the present crime. The injury certificates of the brother and mother of the complainant shows grievous injuries sustained by them in the assault as a result of which offence under Section 118(2) has been registered, which is punishable with life imprisonment. As such, this is not a fit case to release the applicant No.2 on bail.

4. I have gone through the investigation papers made available by the learned APP. The main allegations of assault are clearly made out against the applicant No.2 who has already withdrawn the application. In so far as the applicant No.1 is concerned, the role of the applicant is not clear. The applicant No.1 is alleged to have caught hold of the complainant and assaulted, whereas, the injury certificate of the complainant does not show any grievous injury sustained by him. There is a counter FIR bearing FIR No. 114 of 2026 registered by applicant No.1 Swapnil against the present complainant Bhatu Walmik Shinde, who is also one of the accused in the said FIR, as accused No.1. As such, the submission of the learned counsel for the applicants that the applicant No.1 is falsely implicated cannot be ruled out at this stage. However, these are prima facie observations made for the purpose of deciding this application and the trial court shall not get influenced by the same. So far as the apprehension of the learned APP and the assisting counsel that the applicant No.1, if released on bail, may again indulge into a cognizable offence, can be taken care of, by imposing stringent conditions. Considering the aforesaid aspects, I am inclined to protect the applicant No.1. Hence, the following order :-

ORDER

[I] In the event of arrest of the applicant, in connection with Crime No. 110 of 2026, for the offences punishable under Sections 118-2, 118-1, 115-2, 352, 351-2, 351-3 of the Bhartiya Nyaya Sanhita, the applicant No.1 – Swapnil @ Bhaiya Rajendra Kedar, 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 every Saturday between 11.00 a.m. to 1.00 p.m. till filing of the charge sheet and shall cooperate with the investigation.

[ii] The applicant No.1 shall not enter the jurisdiction of Chalisgaon city till filing of charge sheet.

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

[iv] A single violation of the conditions shall entitle the prosecution to seek cancellation of bail and would result in vacation of interim protection.

[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.

[vi] The application stands disposed of. Criminal application No. 1575 of 2026 filed for permission to assist the prosecution also stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-