



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 723 OF 2026

1. Shubham Sudam Kamble
2. Sunil Dnyanoba Suryavanshi

VERSUS

The State Of Maharashtra And Another

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- Mr. S. J. Salunke, Advocate for Applicants
- Mr. A. S. Shinde, APP for Respondents - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 04.05.2026

PER COURT :

1. Heard learned counsel for the applicants and the learned APP for the respondents-State.

2. Issue notice to the respondents. The learned APP waives notice on behalf of the respondents – State.

3. The applicants have approached this Court apprehending arrest in connection with FIR No.68 of 2026 dated 18.03.2026 registered with Deoni Police Station, District Latur, for the offences punishable under Sections 118(2), 296, 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

4. The prosecution story, in brief, is that on 18.03.2026 at about 08:00 a.m., when the informant and his wife were present in their hotel, the applicants came to the hotel and asked for water. The informant allegedly requested them to consume water at the hotel itself and not to carry water along with them. It is alleged that thereafter the applicants became enraged, took out knives in their hands and rushed towards the informant. When neighbouring persons attempted to intervene, the applicants allegedly threatened

them with dire consequences and warned them not to interfere.

5. It is further alleged that the applicants entered the hotel premises, abused the informant in filthy language and toppled the containers containing curry and sambar lying on the table onto the floor. The applicants allegedly assaulted the informant by fist and kick blows. It is specifically alleged that applicant No.2 stabbed the informant on his back with a knife, causing serious injuries. When the wife of the informant attempted to rescue him, applicant No.1 allegedly abused her in filthy language and assaulted her by fist and kick blows. Thereafter, the applicants allegedly threatened to kill the informant and his wife and fled away from the spot after neighbouring persons gathered there and started shouting. Hence, the present FIR came to be lodged.

6. Learned counsel for the applicants submits that the applicants are falsely implicated in the present crime. According to him, no specific overt act is attributed to the applicants except the allegations of verbal abuse. It is submitted that the informant and his wife had abused the applicants in the name of caste and had refused to permit them to take drinking water. It is further submitted that the applicants are musicians and were engaged for performing music at a marriage ceremony and if they are not protected, they would lose their livelihood. It is submitted that the applicants have no criminal antecedents and are ready to abide by any condition that may be imposed by this Court. Hence, the applicants may be granted anticipatory bail.

7. Per contra, learned APP strongly opposes the present application on the ground that the applicants are involved in a serious offence of voluntarily causing grievous hurt by means of

dangerous weapons, punishable with severe sentence. It is submitted that there are direct allegations against the applicants of assaulting the informant by means of knife and threatening the wife of the informant when she attempted to intervene. It is further submitted that the applicants caused serious injuries to the informant and his wife and the weapon used in the commission of the offence is yet to be recovered.

8. Learned APP further submits that the applicants are absconding since the date of commission of the offence. It is also pointed out that applicant No.1 – Shubham Sudam Kamble, is having criminal antecedents. Reference is made to Crime No.275 of 2023 registered with Deoni Police Station for the offences punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code; Crime No.208 of 2025 registered with Deoni Police Station for the offence punishable under Section 194(2) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 4 and 25 of the Arms Act; and Crime No.253 of 2025 registered with Deoni Police Station for the offences punishable under Sections 126, 118(1), 125, 194(2), 189(2), 190, 351(2) and 324(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 135 of the Maharashtra Police Act. It is therefore submitted that if the applicants are granted anticipatory bail, there is every likelihood that they may again commit cognizable offences and threaten the complainant and his family members, thereby prejudicing the prosecution case.

9. I have gone through the order passed by the learned Sessions Judge as well as the say filed by the prosecution before the learned Sessions Court. A perusal of the First Information Report prima facie reveals that the applicants Shubham and Sunil assaulted the

complainant by means of dangerous weapons in a public place and created terror in the locality. The allegations further indicate that when the wife of the complainant attempted to rescue him, she was also abused and threatened with dire consequences.

10. The material placed on record further indicates that the injured complainant was required to undergo immediate medical treatment and was shifted to the hospital, where his statement came to be recorded. The allegations in the FIR are specific in nature and are prima facie supported by the medical papers collected during the course of investigation. The weapon alleged to have been used in the commission of the offence is yet to be recovered and therefore custodial interrogation of the applicants cannot be ruled out at this stage.

11. So far as applicant No.1 – Shubham Sudam Kamble is concerned, the criminal antecedents attributed to him assume considerable significance. The prosecution has placed on record that Crime No.275 of 2023 came to be registered against him with Deoni Police Station for the offences punishable under Sections 324, 323, 504 and 506 read with Section 34 of the Indian Penal Code involving allegations of assault and criminal intimidation. Further, Crime No.208 of 2025 is registered with Deoni Police Station against him for the offence punishable under Section 194(2) of the Bharatiya Nyaya Sanhita, 2023 along with Sections 4 and 25 of the Arms Act, thereby indicating involvement in offences relating to possession and use of weapons. Yet another Crime No.253 of 2025 is registered against him for the offences punishable under Sections 126, 118(1), 125, 194(2), 189(2), 190, 351(2) and 324(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 135 of the Maharashtra Police Act.

12. The nature of the antecedents attributed to applicant No.1 prima facie demonstrates a pattern of involvement in offences relating to assault, use of force, intimidation and possession of weapons. The present offence also involves allegations of assault by means of knife and extending threats in a public place. Therefore, the antecedents of applicant No.1 cannot be brushed aside lightly while considering the prayer for anticipatory bail.

13. Taking into consideration the criminal antecedents of applicant No.1, the serious nature of allegations in the present crime, the manner in which the offence is alleged to have been committed, and the requirement of recovery of weapon, there appears substance in the apprehension expressed by the prosecution that if the applicants are released on anticipatory bail, there is every likelihood of repetition of similar offences and intimidation of prosecution witnesses. The possibility of the applicants causing prejudice to the prosecution case also cannot be ruled out.

14. Considering the overall material collected during the course of investigation and the gravity of the accusations levelled against the applicants, this Court is not inclined to exercise discretion in favour of the applicants under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

15. In my opinion, the application is devoid of merit and substance and therefore deserves to be rejected.

ORDER

A) Anticipatory Bail Application No.723 of 2026 stands rejected.

(MEHROZ K. PATHAN, J.)