



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 ANTICIPATORY BAIL APPLICATION NO. 788 OF 2026

Gita Vaibhav Sable And Another

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicants : Mr. Shermale K. N.

APP for Respondent-State: Mr. D. J. Patil

Advocate for Intervenor : Mr. Kanishk Waghware

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 19.05.2026

PER COURT :

1. Mr. Kanishk Waghware, learned counsel appearing for the complainant/prosecutrix, is permitted to intervene.
2. Heard the learned counsel for the applicants, learned APP for the State and the learned counsel appearing for the intervenor.
3. Learned counsel Mr. Shermale submits that the incident allegedly occurred on 11.04.2026 at about 7.30 p.m. at Padalane-Ambad Road. He submits that even after the incident, efforts were made to settle and mediate the dispute; however, subsequently, the complaint came to be lodged after four days and, therefore, there is delay in filing the complaint. He further submits that the medical certificate placed on record was not issued by a Government Hospital. Learned counsel submits that applicant No.1 is serving as a Police Constable and applicant

No.2 is working as a driver in MSRTC. According to him, the incident occurred on account of a quarrel arising out of overtaking by a four-wheeler vehicle of the informant, while the applicants were travelling on motorcycles. He submits that there was no premeditation and the incident occurred suddenly. He further submits that the investigation is almost completed and custodial interrogation of the applicants is not necessary.

4. Per contra, the learned APP as well as the learned counsel for the intervenor strongly opposed the application. The learned APP invited my attention to the medical report and pointed out that the injured sustained four injuries, out of which two injuries are grievous and two are simple in nature. It is further submitted that the injuries were caused by hard and blunt objects.

5. Considering the submissions advanced and the fact that the investigation is almost completed, I am of the view that custodial interrogation of the applicants is not necessary. It *prima facie* appears that the incident occurred in spur of moment which was not premeditated and intentional. I am of the opinion that no arrest is necessary as the applicants are ready to cooperate with the investigation and to comply with the conditions imposed by this Court for securing their attendance before the Investigating Agency. The applicants do not appear to have criminal antecedents. By granting protection from arrest, the liberty of the applicants can be upheld without curtailing the power of

investigation of Police. Not to mention that it is always open for the informant or prosecution to approach this Court in case of breach of condition imposed by this Court while granting protection. Hence, the following order :

ORDER

- (i) The application is allowed. In the event of arrest of applicants, namely, Geeta w/o Vaibhav Sabale and Vaibhav s/o Eknath Sabale in connection with Crime No.0225 of 2026 registered with Police Station Akole Dist. Ahilyanagar punishable under Sections 115(2), 118(2), 324(2), 189(2) 190 191(2), 352 and 351(3) of BNS, be released on bail on executing P.R. Bond and Surety Bond of Rs.15,000/- each.
- (ii) The applicants shall attend the concerned Police Station on every Sunday between 10.00 a.m. and 02.00 p.m. till the filing of chargesheet.
- (iii) The applicants shall not tamper with the prosecution evidence in any manner whatsoever.
- (iv) The applicants shall not enter the territorial jurisdiction of the village where the informant resides till the filing of the chargesheet.
- (v) The applicants shall cooperate with the Investigating Agency.

[SIDDHESHWAR S. THOMBRE]
JUDGE