IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 486 OF 2026

Vishal Basappa Aathawale ...Applicant

Versus

The State of Maharashtra And Anr. ...Respondents

Mr. Kuldeep Nikam a/w Pratik Patil, Advocate for the Applicant. (Through VC).

Dr. A. A. Takalkar, APP for the Respondent – State.

PC. N. B. Mane, Miraj City Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.
DATE : 5th October, 2026.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Dr. A. A. Takalkar, learned APP for the Respondent – State.

2. By the present Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant seeks pre-arrest bail, apprehending arrest in connection with Crime No. 268 of 2026 registered with Miraj City Police Station, for offences punishable under Sections 118(1), 351(2), and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Mr. Kuldeep Nikam, learned Advocate for the Applicant, states

that Crime No. 268 of 2026 was initially filed against three (3) unknown persons. He further states that the Applicant has subsequently been arrayed as Accused No. 4 in Crime No. 268 of 2026.

4. In brief, the prosecution case is that on 22.07.2026, at about 4:10 p.m., the Informant (Rahul Khade) was intercepted and assaulted by three (3) unknown persons using rods, sticks and wooden clubs. The Informant sustained injuries as a result of the assault. The Informant in his FIR referred to two to three unknown persons, aged between 20 and 30 years, as the assailants.

5. Mr. Kuldeep Nikam, learned Advocate for the Applicant, submits that the Applicant is neither named in the FIR nor has the Informant stated that the Applicant was present at the time of the assault on him. He submits that the Applicant has been arrayed in the present crime only on the basis of the Informant's subsequent statement that three unknown persons assaulted him on instructions from the Applicant. He submits that the Informant has mischievously implicated the Applicant in the crime. He submits that the Applicant is nowhere involved in the present crime. He submits that on 24.09.2026, the Informant and two others brutally assaulted the Applicant, causing grievous injuries, including a fracture. He further submits that the Applicant is presently

hospitalized due to the injuries. In this regard, Crime No. 0500 of 2026 was registered against the Informant and his two accomplices before the Miraj Rural Police Station, Sangli.

6. Dr. A. A. Takalkar, learned APP for the Respondent – State, submits that the three unknown assailants in Crime No. 0268 of 2026, who assaulted the Informant, are absconding. She submits that the Informant has stated that the assault on him was at the instance and behest of the Applicant.

7. Perused the records with the assistance of the learned Advocates.

8. The FIR indicates that the Informant has himself stated that the assault on him on 22.07.2026 was by three (3) unknown persons. The FIR was registered against the three (3) unknown persons. The Applicant is not named in the FIR, however, he was added subsequently as Accused No. 4.

9. *Prima facie*, there is no material in the FIR indicating the Applicant's participation in Crime No. 268 of 2026.

10. The records in the file of this Applicant reveal that the Applicant was granted ad-interim bail on 06.08.2026 in Criminal Bail Application

538 of 2026 before the Sessions Court and this interim bail continues as on date in this Application. There are no allegations that the Applicant has breached any bail condition. In view of the above circumstances, custodial interrogation of the Applicant in Crime No. 268 of 2026 is not necessary.

11. This Application is therefore allowed on the following conditions:-

(a) In the event of arrest of the Applicant in Crime No. 0268 of 2026, registered with Miraj City Police Station, the Applicant shall be released on bail upon furnishing a PR bond of Rs. 50,000/- with one or two sureties in the like amount, to the satisfaction of the Investigating Officer of Miraj City Police Station.

(b) Applicant shall appear and report to the Investigating Officer, Miraj City Police Station, as and when required by the Investigating Officer and shall co-operate with the investigation in Crime No. 268 of 2026.

(c) Applicant shall not directly or indirectly make

any inducement, threat or promise to any person/s acquainted with the facts of the case to dissuade such person/s from disclosing the facts to the Court or any police officer.

(d) Applicant shall not tamper with evidence in any manner.

(e) Applicant shall provide to the Investigating Officer, Miraj City Police Station, with his residential address along with proof, his contact number, email and must inform the Investigating Officer of any changes to this information from time to time.

12. Anticipatory Bail Application No. 486 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

ARJUN KRISHNA RODGE
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Date: 2026.10.06 10:28:55 +0530