

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 990 OF 2025

- | | |
|-----------------------------|-----------------|
| 1. Aashish Mukesh Turakhia | |
| 2. Sandhya Mukesh Turakhia | |
| 3. Ajit Powar | ... Applicants |
| Versus | |
| 1. The State of Maharashtra | |
| 2. Girish Shriram Fadate | ... Respondents |

**WITH
ANTICIPATORY BAIL APPLICATION NO. 996 OF 2025**

- | | |
|-------------------------------|-----------------|
| 1. Prakash Balkrishna Sankpal | |
| 2. Kamlesh Prakash Sankpal | ... Applicants |
| Versus | |
| 1. The State of Maharashtra | |
| 2. Girish Shriram Fadate | ... Respondents |

Mr. Sanjeev Kadam, Senior Advocate a/w Ms. Varsha Thorat,
Mr. Aarya V. Ambulkar i/by Mr. Rahul Walvekar, Advocate for
Applicants.

Mr. Tanaji Mhatugade, Advocate for Respondent No.2.

Mr. Anand Subhash Shalgaonkar, APP for the Respondent-State.

I.O. Mr. Kanherkar (P.I.), Laxmipuri Police Station, present.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 9th JANUARY 2026.

P.C.

1. By these applications filed under Section 482 of the
Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants are seeking
anticipatory bail in Crime No. 492 of 2024 registered with Laxmipuri

Police Station, District: Kolhapur for the offences punishable under Sections 395, 452, 342, 323, 347, 143, 147, 148, 149, 506 and 504 of the Indian Penal Code (IPC).

2. Pursuant to the order passed by the learned Magistrate, First Information Report (FIR) in question came to be registered at the instance of Respondent No.2, wherein it is in short alleged that the applicants herein have committed dacoity and carried away articles worth Rs.25,00,000/- belongings to him.

3. Heard learned Advocate for the Applicants, learned APP for the Respondent No.1-State and Learned Advocate for Respondent No.2. Perused the record.

4. It appears that the second respondent has filed Regular Civil Suit No.464 of 2024 for injunction against the applicants and claiming that he is the tenant of the property belonging to the applicants. In the order passed below Exhibit-5, Civil Court has observed that second respondent has failed to prove his claim that he is the tenant of the suit property.

5. The trial Court while rejecting the application filed by the applicants for anticipatory bail has observed that in the proceedings initiated by the applicants for quashing of the FIR in question were not brought to the notice of the trial Court and also on the ground that there is *prima facie* evidence of existence of the ingredients of

tress-pass, dacoity, rioting, wrongful restrain and confinement, criminal intimidation, unlawful assembly, the trial Court has rejected the bail application filed by the applicants.

6. It appears that the order passed by the Competent Civil Court below Exhibit-5 referred to above was not brought to the notice of the trial Court while arguing the application for anticipatory bail. There appears civil dispute between the parties and the present complaint *prima facie* appears to have been filed with a view to pressurize the applicants. In these peculiar facts of the case, custodial interrogation/detention of the applicants is not warranted. Hence, applications are allowed.

7. In the event of arrest of applicants - Aashish Mukesh Turakhia, Sandhya Mukesh Turakhia, Ajit Powar, Prakash Balkrishna Sankpal, Kamlesh Prakash Sankpal in Crime No. 492 of 2024 registered with Laxmipuri Police Station, District: Kolhapur for the offences punishable under Sections 395, 452, 342, 323, 347, 143, 147, 148, 149, 506 and 504 of the Indian Penal Code (IPC), they be released on bail on executing Personal Bond in the sum of Rs.15,000/- each with one surety in the like amount.

8. The Applicants shall attend the concerned police station as and when called by the Investigating Officer.

9. The Applicants shall not tamper with the prosecution evidence.

(NITIN B. SURYAWANSHI, J.)