

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

**CR. ANTICIPATORY BAIL APPLICATION NO. 1506 OF 2025**

Nitin Bhimrao Kharat

....Applicant

**VERSUS**

The State Of Maharashtra and Anr.

.....Respondents

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Mr. Priyal Sarda a/w Mr. Onkar Bajaj, for Applicant.

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

Ms. Ahilya T. Nalawade, for Respondent No.2 (appointed through Legal Aid).

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**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 27<sup>th</sup> JANUARY 2026.**

**P.C.**

1. The Applicant apprehends arrest in Crime No.57 of 2025 registered with Pusegaon Police Station, District: Satara, for the offences punishable under Sections 78(2), 352, 351(3), 351(1), 333, 3(5), 140(1), 118(1), 115(2) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS Act").

2. The prosecution case is that in the report filed by the complainant who herself is victim of offence that he was running a cloth shop at Pusegaon on Dahiwadi road prior to 9 months. This Applicant and other accused came in her contact. When he was

running said shop, she was residing upon address mentioned in report which is near the house of another accused i.e. accused No.1 in this case. They got acquittance of each other. The complainant was frequently going towards his home. When she winded up his shop at Pusegaon she went on her maternal home towards her parents. On 03.04.2025 at about 5:35 p.m. when she was at her parents home, she received video call from unknown number. The faces of accused no.1 and this Applicant were brought towards her notice during the said call in order to show the situation that they are present in that room. Thereafter call was immediately disconnected. In order to ascertain the caller, the complainant ringed on said phone. The call was received by one unknown person. When the complainant enquired towards him as to why he called her, he explained that the call was connected due to oversight. The complainant warned him that he should not call her again. As presence of this Applicant and another accused involved in offence was noticed by the complainant, she also ringed this Applicant and enquired towards him as to why the aforesaid call was made in his presence. The complainant was enquiring about presence of other accused, however this Applicant in arrogant manner replied the complainant rudely. Thereafter, this Applicant ringed accused no.1 and informed him that when complainant called him he was taking her name. Thereafter, the

complainant received phone call of accused No.1. He uttered filthy language of abusive nature as alleged in report which will result in offence of outraging modesty of complainant. He also threatened the complainant to kill. Thereafter, the complainant came at Pusegaon Police Station to lodge report against this Applicant and another accused. When the complainant had been at Pusegaon Police Station to lodge report at about 8 p.m., this Applicant and another two unknown boys came towards parents home of the complainant. They entered at her home in forcible manner and started to assault his brother. They were also threatening her brother. Then they dragged her brother out of home and kidnapped him in forcible manner by putting him in said swift car and took him near Uran Company on Thombarewadi - Nidhal road. Then the accused took stone in his hand and gave blow of said stone on the head of complainant. He also gave kick blows on private parts of her brother. Thereafter, he also pressed neck with intend to kill him. He also gave fist blows and kick blows. He also threatened him to kill if he will convince the complainant. Her brother rescued himself from the clutches and came towards home and narrated the incident, then he filed report under consideration at Pusegaon Police Station. The offence to that effect is registered.

3. Heard learned advocate for the Applicant, learned APP for the Respondent – State and learned advocate for Respondent No.2 - informant. Perused the investigation papers.

4. Learned APP and learned advocate for Respondent No.2 strenuously opposed the anticipatory bail application stating that there are criminal antecedents against the Applicant and since the investigation is going on, therefore, his application may be rejected.

5. Perusal of the investigation papers shows that the main allegations are levelled against accused No.1, namely Pankaj Wagh. *Prima facie*, vague and general allegations are levelled against the Applicant that he has actually participated in assaulting the brother of the victim. Perusal of his statement shows that he has alleged that accused No.1, present Applicant and other accused assaulted him by kicking on his private part. The injury certificate does not support the said allegations.

6. The Applicant was granted interim protection and he has co-operated in the investigation. He has surrendered his cellphone and SIM card has also been seized by the Investigating Officer. So far as the antecedents of the Applicant are concerned, the learned advocate for the Applicant submits that out of four offences registered against the Applicant, in two offences Crime No.169 of 2020 is already closed and in Crime No.60 of 2014, he has been acquitted. In respect of

Crime No.158 of 2020 registered with the same police station, he was granted anticipatory bail. Now, the remaining two offences pending against him in respect of Maharashtra Police Act, 1951 and that cannot be the sole ground to reject anticipatory bail of the Applicant.

7. Taking into consideration the allegations made against the Applicant and the fact that the Applicant has co-operated in the investigation, custodial interrogation of the Applicant is not necessary in the facts of the present case.

8. The application is therefore allowed by confirming the interim protection vide order dated 21<sup>st</sup> July, 2025.

9. The Applicant shall not enter within the jurisdiction of Pusegaon police station till conclusion of trial, and shall not tamper prosecution witnesses.

10. Learned advocate for the second Respondent be paid fees as per schedule, expeditiously.

**(NITIN B. SURYAWANSHI, J.)**