

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 161 OF 2026

Rupesh Sitaram Sapkal And Anr. ... Applicants

Versus

The State of Maharashtra and anr. ... Respondents

Mr. Rahul Dhaygude a/w Adv. Sujata B. Lohar for the Applicants.

Mr. S. S. Choudhary, A. P. P. for the Respondent-State.

Mr. Vaibhav Ramchandra Gaikwad, Adv. Aniket A. Patil for the -Complainant.

CORAM : M.W. CHANDWANI, J.
DATE : 27th April, 2026.

P. C. :

1. The Applicants are apprehending arrest in connection with Crime No. 0012 of 2026, registered at Koregaon Police Station, District Satara, for offences punishable under Sections 115(2), 118(1), 119(1), 189(2), 190, 191(2), 191(3), 351(2), 351(3), and 352 of the Bharatiya Nyaya Sanhita, 2023.
2. Heard the learned counsels for the parties. I have gone through the case diary.

3. It appears that the dispute arose between two groups on account of the removal of concrete from a gutter in front of the house of the Complainant by a member of the Grampanchayat. The Complainant-Prashant Sanas, had laid concrete over the gutter in front of his house to facilitate access. On 09.01.2026, the rival party arrived with a JCB machine to remove the said concrete which led to an altercation between both the groups.

4. The allegation is that the Applicants, along with other co-accused, assaulted the complainant and his family members. In particular, it is alleged that Applicant No. 1-Rupesh attempted to assault the complainant on his head; however, the complainant protected himself by raising his right hand, resulting in an injury to his hand. It is further alleged that Applicant No. 2-Laxman assaulted the cousin brother of the Complainant-Deepak Sanas with an iron rod on the back of his head.

5. Further allegation against Applicant-Rupesh is that he snatched the mangalsutra from the complainant's wife. The allegation against Laxman (Applicant No. 2) is that he stole cash from the cousin brother of the Complainant amounting to Rs. 7,000/-. Based on the complaint, the aforesaid crime came to be registered against the Applicants and other co-accused.

6. It appears that a cross FIR has been lodged against the Complainant's party for assaulting the Applicants and his fellows for the offence punishable under Section 109 and other allied Sections of the BNS.

The Applicant-Rupesh also sustained injuries. It further appears that there was a free fight between two groups.

7. The offences alleged against the present Applicants, except the offence under Section 119 (extortion), are punishable with imprisonment of less than five years. The offence under Section 119 is punishable with imprisonment up to ten years. Considering the old enmity and the nature in which the alleged incident happened, exaggeration of facts by the Complainant regarding extortion cannot be ruled out at this stage. It is also submitted that other co-accused persons, against whom similar allegations of chain snatching and theft of cash are made, have already been granted anticipatory bail by the Sessions Court. On the ground of parity, the present Applicants are also entitled to similar relief.

8. Considering all these aspects and the nature of injuries which appear to be simple and the punishment prescribed for the alleged offences, a case is made out for grant of anticipatory bail.

9. As regards the apprehension of the prosecution regarding recovery of the iron rod is concerned, the Applicants can be put to stringent conditions. Hence, the following order:

::ORDER::

a) Anticipatory Bail Application is allowed.

b) In the event of arrest in connection with Crime No. 0012 of 2026,

registered with Koregaon Police Station, District Satara, for the offences punishable under Sections 115(2), 118(1), 119(1), 189(2), 190, 191(2), 191(3), 351(2), 351(3), and 352 of the Bharatiya Nyaya Sanhita, 2023, Applicant No. 1 – Rupesh Sitaram Sapkal and Applicant No. 2 – Laxman Sitaram Sanas shall be released on bail upon furnishing a P.R. bond of Rs. 50,000/- each with one solvent surety each in the like amount.

c) The Applicants shall attend the concerned police station every alternate day between 10:00 a.m. and 12:00 noon till filing of charge-sheet and shall cooperate in the investigation.

d) The presence of the Applicants before the Investigating Officer until filing of the charge-sheet shall be treated as custody within the meaning of Section 23 of the Bharatiya Sakshya Adhiniyam.

e) The Applicants shall not tamper with prosecution evidence or threaten prosecution witnesses and shall fully cooperate in the investigation.

f) The Applicants shall not commit a similar type of offence.

g) With these directions, the Application stands disposed of.

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signed by
TALLE
SHUBHAM
ASHOKRAO
Date:
2026.04.28
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[M.W. CHANDWANI, J.]