

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

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 176 OF 2026 (Sr. No. 901)

Omkar Borkar ... Applicant

Versus

The State of Maharashtra & anr. ... Respondents

AND

ANTICIPATORY BAIL APPLICATION NO. 190 OF 2026 (Sr. No. 902)

Saiprasad Ashok Borkar ... Applicant

Versus

The State of Maharashtra & anr. ... Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 191 OF 2026 (Sr. No. 902)

Avinash Shete ... Applicant

Versus

The State of Maharashtra & anr. ... Respondents

Mr. Umesh Pawar i/by Adv. Vrunali Jeevan Vilankar for the Applicant.

Mr. Nitin B. Patil, A.P. P. for the Respondent-State in ABA-176-2026.

Mr. S. H. Yadav, A.P. P. for the Respondent-State in ABA-190-2026 and ABA-191-2026.

Mr. Kishor Salvi, HC/691 Guhagar Police Station present.

CORAM : M.W. CHANDWANI, J.
DATE : 21st April, 2026.

P.C. :

1. Since all the three applications arise out of the same crime they are being disposed of by this common order.
2. The Applicants are apprehending arrest in connection with Crime No. 10 of 2026, registered with Guhagar Police Station, Taluka-Guhagar, District-Ratnagiri, for offences punishable under Sections 115(2), 118(1), 3(5), 352 and 117(2) of the Bharatiya Nyaya Sanhita, 2023.
3. Heard the learned counsel for the parties. I have perused the case diary.
4. It appears from the record that the complainant, who is presently residing in Mumbai, had visited his native place Aarey Village, to participate in a cricket tournament organized by the Group Gram Panchayat on 07.02.2026 and 08.02.2026. On the intervening night, at about 1:00 to 1:30 a.m., the complainant along with his friend, was sitting near the riverbank when all the applicants arrived there, questioned him regarding his participation in the cricket tournament, and threatened him. Thereafter, they allegedly assaulted the complainant. Applicant-Avinash Shete assaulted the complainant with a tommy, causing a blow near his right eye. Thereafter, Avinash Shete again assaulted the complainant on his cheek and nose with a fighter, resulting in fracture of the nose. Applicant-Saiprasad assaulted the complainant with a stone on his right knee and also inflicted blows.

5. It further appears that during the course of investigation, the tommy and the stone have been recovered. The role attributed to Omkar Borkar is that of assaulting the complainant by fist blows, whereas Saiprasad is alleged to have assaulted the complainant with a stone on his knee.

6. It appears that Applicant-Avinash Shete played the main role in the assault by using a tommy and a fighter as a result of which, the complainant sustained injuries near his eye, including grievous injury of a fracture of the nasal bone.

7. Considering the role attributed to Omkar Borkar and Saiprasad Ashok Borkar; as well as the fact that nothing is required to be seized from the Applicants, their custodial interrogation may not be required. In my view, a case is made out for grant of anticipatory bail in their favour.

8. Considering the specific role attributed to Avinash Shete, including the use of weapons such as a tommy and a fighter, and the grievous injury (fracture of the nasal bone) caused to the complainant, I am of the view that the discretionary relief of anticipatory bail cannot be granted in his favour, particularly when recovery of the weapon (fighter) is yet to be effected from him.

9. In view of the above, the following order is passed:

i) Anticipatory Bail Application No. 191 Of 2026 is rejected.

ii) Anticipatory Bail Application No. 190 of 2026 and Anticipatory Bail Application No. 176 of 2026 are allowed.

iii) In the event of arrest of Applicants-Omkar Borkar and Saiprasad Ashok Borkar in Crime No. 10 of 2026 registered with Guhagar Police Station, Taluka Guhagar, District Ratnagiri, for the aforesaid offences, they shall be released on bail upon furnishing a P.R. bond of ₹25,000/- each, with one solvent surety each in the like amount.

iv) The Applicants shall attend the concerned police station as and when directed and shall cooperate in the investigation.

v) The Applicants shall not tamper with the prosecution evidence or attempt to influence or intimidate the prosecution witnesses in any manner.

vi) With this, all the Applications stand disposed of.

[M.W. CHANDWANI, J.]

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ASHOKRAO
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