

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 261 OF 2026

Prashant Hindurao Padalkar	...Applicant
Versus	
State Of Maharashtra And Anr.	...Respondents

Mr. Udaysinh Patil i/b Mr. Paras Yadav, for the Applicant.
 Dr. A. A. Takalkar, APP, for the Respondent Nos.1 & 2-State.
 Ms. Sadhana S. Datar, for complainant.
 ASI, P. B. Bhangare, Vishrambaugh Police Station, Sangli, present.

CORAM : MEHROZ K. PATHAN, J.
DATE : 10th JUNE, 2026.

P.C.

1. Heard Mr. Patil, learned counsel for the Applicant, Dr. Takalkar, learned APP for the Respondent Nos.1 & 2 – State and Ms. Datar, learned counsel for the complainant.
2. The Applicant has approached this Court seeking anticipatory bail in connection with C.R. No. 0106 of 2026, dated 25/03/2026, registered with Vishrambaug Police Station, Sangli, for the offences punishable under Sections 118(1), 3(5) and 85 of the of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”).

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3. The case of the prosecution is that, the informant Kiran lodged F.I.R. on 25/03/2026 at Vishrambaug Police Station against all accused persons therein she alleged that, her husband – Applicant No.1 used to quarrel and beat her and then he used to apologize. She mentioned several specific instances in relation to the Applicant No.1 in the F.I.R. She further alleged that she resided with the Applicant No.1 at different places, where he was transferred and at all places Applicant No.1 behaves similarly with her. According to her, Applicant No.1 even used to beat her that time she was pregnant. She returned to her parents house and meeting took place in Pune, between them and all accused persons where they gave assurance that they will give good treatment to her and then she went to her matrimonial house. But again Applicant No.1 continued to beat her. Her pregnancy was terminated on 13/04/2025 as per decision of Medical Board of J. J. Hospital, Mumbai. She gave amount of Rs.5,00,000/- and Rs.2,00,000/- to the Applicant No.1 on his demand. The Applicant No.1 even took out her mobile.

It is further alleged in the FIR, that on 25.02.2026 at about 08.00 p.m. the applicant No.1 pressed her throat, gave filthy abuses to her and other applicants also physically and mentally harassed her. It is alleged that applicant No.1 hit copper water bottle on her head and he also made attempt to gave blow of base ball bat on her head,

but she obstructed said blow by her right hand and the bat hit on her hand. She was kept in one room during night and she was not allowed even to talk with her parents and her mobile phone was also taken. On next day, her parents got suspicion as she did not receive their mobile calls and therefore they went to her matrimonial house at about 04.00 p.m. but they were not taken in house for long time. Thereafter she was allowed to leave matrimonial house with them, without taking anything with her. Then she visited Kharghar police station and narrated all facts, but only N.C. report came to be registered and she was referred to Panvel Sub-District Hospital. She went there and applicant No.1 also came in said hospital and there he bite on her right cheek and it is recorded in C.C.T.V. camera of the hospital. Even other applicants came there and threatened her there. Treatment was given to her and Medical Officer asked her to visit on the second day as X-ray department is closed. On the second day, she again went to said hospital and X-ray of her hand was taken and it was found that there was no injury to bone. Then she lodged another N.C. on 27.02.2026 against applicant No.1 in respect of incident took place on earlier date and C.C.T.V. footage of incident of taking bite on her cheek by applicant No.1, is stated to be collected by police from Panvel Sub-District Hospital. She returned to her parents house at Sangli and after 10-12 days, she required to join her duty and

therefore she went to Mumbai and joined service. There was pain to her hand and therefore MRI of her hand was done on 16.03.2025 and it is found that her ligament near elbow were torn and she was advised to keep hand without movement for 21 days. The informant lodged such FIR on 25.03.2026

4. Learned counsel for the Applicant submits that the Applicant is deliberately roped in the present crime only with an intention to wreak vengeance. The complainant is wife of the Applicant. The Applicant and complainant was married three years ago. There were some trivial issues between the Applicant and complainant which has resulted into registration of the F.I.R. The allegation in the F.I.R. about assault by means of base ball, bat and copper bottle are all exaggerated and made only with an intention to deny the bail to the Applicant. Initially, the injury sustained by the complainant was shown to be simple, however the same was later on managed to shown as grievous only with an intention to attract most stringent provisions to denying bail to the Applicant. There are several other N.C. reports registered for the quarrel between the Applicant and Complainant. The N.C. report dated 22/03/2026 does not make a mention of the Applicant having assault by means of base ball, bat or copper bottle to the complainant. The same therefore falsify the case of the prosecution.

5. Taking into consideration the matrimonial dispute between the Applicant and the complainant, this Court has protected the Applicant vide order dated 05/05/2026. The Applicant has attended the police station and co-operated with the investigation and has not violated any conditions. However, only with an intention to prejudice this Court, the complainant has again filed an N.C. report of alleged threat being extended by the Applicant. The Applicant is having criminal antecedents of one offence being F.I.R. No.100 of 2016, wherein he was acquitted from the offence by the judgment of the learned J.M.F.C. Belapur dated 20/04/2026. The other offence being F.I.R. No.9 of 2023 which is also a false case lodged upon by the present Applicant. The Applicant has complied with the conditions imposed by this Court and is further ready to abide by any conditions that may be imposed by this Court. Hence, the Applicant may be released on bail.

6. As against this, the learned APP as well as the learned counsel for the complainant strongly opposes the bail application on the ground that the Applicant husband of the complainant has assaulted mercilessly to the complainant and has wrongfully confined her without allowing her to meet or call her parents. The said incident has taken place time and again. The incident of 25/02/2026, would be corroborated by the medical examination report of the

complainant which clearly shows the injury as grievous in nature after conducting the MRI. Taking into consideration the gravity of the offence, section 118(2) of the BNS was thereafter added. The offence is punishable with life imprisonment. The custodial interrogation of the Applicant is necessary.

7. Learned counsel for the Complainant further submits that even after obtaining the interim order from this Court dated 05/05/2026, the Applicant has threatened the complainant and her family members at a public place on 14/05/2026 and accordingly the N.C. No.1527 of 2026 was registered at Panvel City Police Station. A copy of the said N.C. is placed on record and marked as "X" for identification. She therefore submits that the Applicant has taken undue advantage of the interim order and thereafter, made an attempt to threaten the Complainant and witnesses thereby causing prejudice to the prosecution case. The non cognizable cases registered at the behest of the complainant Kiran are (i) N.C. No.462 of 2026 and (ii) N.C. No.640 of 2026, which would clearly corroborated the allegations made in the F.I.R. The incident of biting on the cheek has been captured in the C.C.T.V. footage, while the Applicant was sitting in the hospital. Taking into consideration, the aforesaid incident and also the criminal past record, there is every likelihood that the Applicant may again commit another cognizable offence and thereby

threaten the complainant and cause to prejudice to the prosecution case.

8. Learned APP has relied upon the investigation papers to show that there are statements of the witnesses recorded by the prosecution to corroborate the allegations made in the F.I.R.. The statement of the parents of the complainant has already been recorded. Even though there was direction to the Applicant to co-operate with the investigation, the Applicant has failed to co-operate with the investigation inasmuch as the Applicant failed to handover the mobile phone of the informant and the relevant data containing photos and videos. The base ball, bat and copper bottle allegedly used for committing the offence has also not been produced by the Applicant even though asked by the Investigation Officer. She further submits that taking into consideration the criminal antecedents of the present Applicant, there is every likelihood that the Applicant may again commit cognizable offence and thereby cause threat to the complainant or his family members. She therefore submits that this is not a fit case to grant the anticipatory bail.

9. I have gone through the investigation papers made available by the learned APP and non cognizable report(s) bearing (i) NC No.462 of 2026, dated 26/02/2026, (ii) NC No. 640 of 2026, dated 27/02/2026 and (iii) NC No.1527/2026 dated 14/05/2026. I have

also gone through the NC No.470 of 2026, dated 27/02/2026, wherein the mother of the Applicant - Madhuri has alleged assault at the behest of the family members of the complainant - Kiran. I have also gone through the F.I.R. No.107 of 2026, dated 13/03/2026 registered at the behest of the Applicant – Prashant against the parents of the complainant.

10. Learned APP as well as the learned counsel for the complainant submits that after conducting the investigation, the investigating authority have found that the Applicant Prashant has filed a false case and there was no evidence to substantiate the allegations against him and as such the 'B' summary is proposed by the police authorities which is likely to be accepted by the concerned Court.

11. I have gone through the interim order dated 05/05/2026 and also the record made available by the learned APP. After going through the record, it appears that the incident dated 25/02/2026, was first reported in the NC No.462 of 2026 dated 26/02/2026, which does not speak of any assault by the base ball, bat and copper bottle. The NC. No.640 of 2026 dated 27/02/2026 also does not speak about the assault by the base ball, bat and copper bottle.

12. First Information Report is also lodged by the Applicant being F.I.R. No.107 of 2026 and NC No.470 of 2026 is registered at the behest of the mother of the Applicant.

13. Thus, it could be seen that there are allegations and counter-allegations against each other by the family of the Applicant's husband and the complainant's family.

14. The submissions of the learned counsel for the Applicant that the allegations are exaggerated only to invoke the stringent provisions against the present Applicant cannot be ignored at this stage, however these are *prima facie* observations made by this Court only to decide the present application.

15. Since, the Applicant was already protected by this Court vide order dated 05/05/2026, the apprehension of the learned APP as well as the learned counsel for the complainant can be taken care of by imposing additional stringent conditions upon the Applicant. Taking into consideration, the several complaints filed by the Applicant and the family members of the complainant.

16. I am thus inclined to allow the Application by confirming the interim order. Hence, the following order :-

ORDER

- i. Application is allowed.

- ii. The interim order dated 05/05/2026 is hereby confirmed. However, the Applicant shall not enter the jurisdiction of Kharghar Police Station, where the victim girl is residing for her job and also the jurisdiction of the Sangli Police Station, where the parents of the victim are residing, till the recording of the evidence of the complainant before the trial Court, except for attending the dates as mentioned herein below.
- iii. The Applicant shall attend the concerned police station on every Friday and Saturday between 11:00 a.m. to 1:00 p.m., till filing of the charge-sheet.
- iv. The Applicant is directed to hand over the mobile phone of the first informant and the relevant data containing the pictures and videos of the victim girl.
- v. A single violation of the condition imposed by this Court shall entitle the prosecution or the complainant to seek cancellation of bail before this Court.
- vi. The Application stands disposed of accordingly.

(MEHROZ K. PATHAN, J.)