IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1399 OF 2024

Dinkar Namdev Walke …Applicant
Versus
The State of Maharashtra …Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1401 OF 2024

Chhayabai Dhanraj Walke & Anr. …Applicants
Versus
The State of Maharashtra …Respondent

Mr. Shailesh Kharat, for the Applicants.
Ms. R. V. Newton, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 13th JANUARY 2026

PC:-

1. Heard Mr. Kharat, learned Counsel appearing for the Applicants and Ms. Newton, learned APP appearing for the Respondent-State.

2. This application is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in connection with C.R. No.226 of 2024 registered with Malegaon Taluka Police

Station, Nashik, for the offences punishable under Sections 324, 323, 504, 506, 143, 147, 148, 149 and 34 of the Indian Penal Code, 1860.

3. The prosecution case is set out in paragraph Nos.2 to 4 of the order dated 6th May 2024 passed by the learned Additional Sessions Judge, Nashik in Criminal Bail Application No.466 of 2024 which reads as under:

> "*[2] Informant Subhash Ananda Gaikwad along-with family is residing at Chokatpade, Tal. Malegaon. The accused including the applicants are residing at the same village. Agricultural lands of both the parties are situated at village - Chokatpade and since long there is dispute between the parties on account of approached road of their lands.*
>
> *[3] Shrikant On 09.04.2024 at about 7.30 p.m., accused was digging road with JCB Machine at the back side of house of Dhanraj (applicant No.3). Therefore, Nandubai, the wife of the informant and his son Shailesh went there to ask as to why they were digging road. Suddenly, accused Shrikant and Dhanraj got angry and gave them abuses. At that time, other accused persons including the applicants gathered there. Dinkar (Applicant No.1) assaulted the informant by iron pipe on his back. Accused Sachin assaulted Shailesh by iron pipe. Accused Sachin and Dhanraj (applicant No.3) caught hold Shailesh and beat him by fist and kick blows and accused Shrikant assaulted Shailesh on his head by an axe and caused him severe injuries. Therefore,*

> *Shailesh collapsed. Hence, Nandubai, the wife of the informant came forward to rescue Shailesh. At that time, accused - Janabai and accused - Chhayabai assaulted her by iron pipes on her legs. Then, accused Shantilal (applicant No.2) also came there and he assaulted the informant by fist and kick blows. All the while, the accused persons were giving abuses to the informant and his family members and also threatened them to kill.*
>
> *[4] Then the informant called his son Sandip, who took them to Civil Hospital, Malegaon. Injured - Shailesh was shifted to Civil Hospital, Dhule for further medical treatment.*"

4. A learned Single Judge by order dated 17th May 2024 has granted interim protection which operates till date. In the meanwhile, the charge-sheet has been filed on 15th February 2025. Thus, the investigation is completed.

5. Mr. Kharat, learned Counsel appearing for the Applicants submits that the Applicants have no other antecedents.

6. Ms. Newton, learned APP submits that the offence is very serious therefore, the Anticipatory Bail Application be rejected. On instructions, she submits that the charge-sheet is already filed and the Applicants have no antecedents.

7. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

O R D E R

(a) In the event of arrest of the Applicant-Dinkar Namdev Walke (Anticipatory Bail Application No.1399 of 2024) and the Applicant No.1-Chhayabai Dhanraj Walke and Applicant No.2-Jayshri Dinkar Walke (Anticipatory Bail Application No.1401 of 2024) in connection with C.R. No.226 of 2024 registered with the Malegaon Taluka Police Station, Nashik, the Applicants are directed to be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

(b) The Applicants shall attend the Malegaon Taluka Police Station, Nashik, as and when called by the Investigating Officer and shall co-operate with the investigation.

(c) The Applicants shall furnish their cell phone number and residential address to the Investigating Officer

and shall keep the same updated, in case of any change thereto.

(d) The Applicants shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicants shall not leave India without prior permission of the Court.

8. The Anticipatory Bail Applications are disposed of accordingly.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL

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