ARJUN VITTHAL KUDHEKAR
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2558 OF 2026

Kiran Madhavrao Kahandal …Applicant

Versus

The State of Maharashtra & Anr. …Respondents

Mr. Chaitanya Pendse a/w Sachin Kadam & Khushi Rawlani, for the Applicant.
Ms. S. M. Yadav, APP, for the Respondent-State.
Mr. Sanjeev B. Deore a/w Shamshad Ali Hashmi & Aditya S. Deore i/b Suchita J. Pawar, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.
DATED: 13 OCTOBER 2026

PC:-

1. Heard Mr. Pendse, learned Counsel appearing for the Applicant, Ms. Yadav, learned APP, for the Respondent-State of Maharashtra and Mr. Deore, learned Counsel appearing for Respondent No.2.

2. By this Anticipatory Bail Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, the Applicant is seeking pre-arrest bail in connection with CR No.229 of 2025 registered with Adgaon Police Station, Nashik City, for the offences punishable under Sections 109, 333, 351(3) and 352 read with Section 3(5) of the *Bharatiya Nyaya Sanhita, 2023*.

3. The prosecution case is set out in Paragraph No.3 of the Anticipatory Bail Application, which reads as under:

> "3. The prosecution story as alleged in the F.I.R. in a nutshell is as under :- It is alleged by the prosecution that on 2nd July, 2025 between 5.00 p.m. and 5.30 p.m. the complainant, Adv. Rameshwar Vitthal Borade, aged about 39 years, resident of Shilapur, Post Odha, Taluka & District Nashik, was talking to his client Dinkar Tile in the complainant's private office near Central Bank, Madsangvi, on the Chhatrapati Sambhajinagar Highway Road, Nashik, when suddenly three unknown persons, one wearing a black shirt, another wearing a white shirt with a handkerchief tied around his neck and the third one wearing a check shirt, entered the complainant's office without saying anything and without the complainant's permission for an unknown purpose. It is further alleged that the said unknown persons lifted the stool in the office, damaged the complainant's computer and other office items, abused the complainant and beat him with a slap. The accused who was wearing the white shirt and had a handkerchief tied around his neck hit the person Dinkar Tile on his left arm with a sharp weapon in his possession and abused the complainant and said "I will finish you off" with an intention of killing the complainant, and hit the complainant on the head with the said sharp weapon. It is further alleged that one of the accused who was sitting on the moped outside on the road encouraged all the three accused to kill the complainant."

4. Mr. Pendse, learned Counsel appearing for the Applicant, submits that the Applicant is not involved in the offence. He submits that the Applicant's name is not mentioned in the FIR and he was not present at the time of the alleged incident. He further

submits that the Applicant has been implicated in the offence and arrested merely on the basis of the statement of a co-accused, Aditya Kahandal. He submits that the statement of the Co-Accused cannot be taken into consideration, even at the stage of considering an application for anticipatory bail. To substantiate the said contention, he relies on the decision of the Supreme Court in *P. Krishna Mohan Reddy v. State of Andhra Pradesh* [1].

5. Mr. Pendse, learned Counsel for the Applicant, submits that the Applicant had attended the Police Station pursuant to a notice issued to him under Section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and that his mobile phone had been seized at that time.

6. On the other hand, Ms. Yadav, learned APP for the Respondent-State and Mr. Deore, learned Counsel for Respondent No.2, point out the statement of Mr. Bhalchandra Bhaskar Kahandal, which is the part of the Charge-sheet. They submit that the said statement shows the involvement of the Applicant in the alleged offence.

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1 2025 SCC OnLine SC 1157

7. Ms. Yadav, learned APP, on instructions, submits that the Applicant's mobile phone has not been seized.

8. Perusal of the record shows that one civil proceeding and three criminal proceedings are pending between the Applicant's father-Madhavrao Ramchandra Kahandal and Mr. Ganpat Date and others. The Respondent No.2 i.e. First Informant, who is an Advocate, represents the Date family in the said proceedings.

9. It is the prosecution case that pressure was brought on the First Informant to withdraw his appearance from the said proceedings and not to represent said Date family in those cases. As the First Informant refused to do so and continued to represent the said family, he was allegedly threatened and assaulted.

10. Mr. Pendse, learned Counsel appearing for the Applicant, submits that the Applicant's father-Madhavrao Ramchandra Kahandal is involved in the offence, however, the Applicant is not involved in the offence.

11. However, it is required to be noted that in the Charge-sheet which has been filed against the Applicant's father-Madhavrao

Ramchandra Kahandal and the other Accused contains the statement of one Bhalchandra Bhaskar Kahandal. The relevant portion of the said statement reads as under:

> "माझे नाव श्री भालचंद्र कहांडळ, वय—४४ वर्षे, धंदा— शेती व्यवसाय, रा. गट नं २४७, म्हसोबा नगर, मु. शिलापूर, पोस्ट ओढा, ता. जि. नाशिक, मो.क्र. ७९७२५०५१२०. kahandalbhalchandra64@gmail.com शिक्षण इयत्ता १० वी पास.
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> समक्ष विचारले वरून सांगतो की, मी वरील पत्त्यावर माझे कुटुंबियांसह माझे जन्मापासून राहतो. माझ्या सोबत माझी पत्नी व मुलांसह राहतो. माझी शिलापूर गावात शेती असून तो आमचा वडीलोपार्जीत व्यवसाय आहे. मी गावात एक प्रतिष्ठित व्यक्ती असून मी आमच्या गावातील बरेचशे जमिनीचे अथवा किरकोळ वाद आपसात मिटवले आहेत.
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> **आमच्या गावात राहणारे माधवराव उर्फ माधवशेठ कहांडळ यांना व त्यांचे कुटुंबास मी लहानपणापासून ओळखतो. त्यांचा मुलगा किरण माधवराव कहांडळ यांस देखील मी ओळखतो. आम्ही सायंकाळी गाव कट्ट्यांवर गप्पा मारत असतांना माधवराव उर्फ माधवशेठ कहांडळ यांचा मुलगा किरण माधवराव कहांडळ हा जून २०२५ च्या दुसऱ्या आठवड्यात एके दिवशी मला बोलला की, आमच्या विरोधात असलेल्या केसेस लढत असलेले वकील रामेश्वर बोराडे यांच्याशी बोलून चेर्चेतून जमिनीचे वाद बोलुन मिटवून घेवू, तसा निरोप तुम्ही रामेश्वर बोराडे वकीलास द्या त्यानंतर दोन चार दिवसांनी मला रामेश्वर बोराडे वकील भेटल्यावर मी त्यांना किरण कहांडळ यांचा निरोप दिला. तेव्हा रामेश्वर बोराडे वकील मला बोलले की, त्यांना पक्षकारांशी परस्पर बोलून आप समझोता करून घ्यायला सांगा. याप्रमाणे तसा निरोप मी किरण कहांडळ यांना दिला. त्यानंतर किरण याने दोन दिवसांनी मला भेटुन सांगीतले की, रामेश्वर बोराडे याला सांगा की, आमच्या सर्व केसेसमधुन तु लवकरात लवकर बाजुला होवुन जा. याप्रमाणे सदरचा निरोप मी रामेश्वर बोराडे यांना त्याच दिवशी दिला. त्यावेळी रामेश्वर बोराडे यांनी मला सांगीतले की, मी फक्त वकील म्हणुन माझं काम करतोय आहे त्यांना सांगा.** तेव्हा मी दोघांनाही सांगीतले की, सदरचा वाद तुम्ही दोघांनी आपआपसात मिटवुन घ्या व विनाकारण वाढवु नका.
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> **दिनांक ०२/०७/२०२५ रोजी यांना त्यांच्या मांडसांगवी येथील कार्यालयात मारहाण झाली आहे.** त्याबाबत रामेश्वर बोराडे यांनी दिलेल्या

तक्रारीवरून आडगांव पोलीस ठाण्यास गुन्हा नोंद केलेला असल्याचे मला माहित आहे. तसेच रामेश्वर बोराडे यांनी त्यांस मारहाण करणाऱ्या एका मुलास पकडून ठेवले होते. त्याचे नाव श्रृत नवनाथ कुलये, रा. जेल रोड, नाशिक असे असल्याचे मला समजले.

माझा जबाब मी वाचुन पाहिला तो माझे सांगणे प्रमाणे बरोबर टंकलिखील केलेला असुन तो खरा आहे."

(Emphasis added)

English translation of the said statement is as under:

"I, Shri. Bhalchandra Kahandal, Age–44 years, Occupation – Farming, R/at–Gat No. 247, Mhasoba Nagar, At-Shilapur, Post–Odha, Taluka District – Nashik, Mobile No. 7972505120, kahandalbhalchandra64@gmail.com, passed 10th Standard, on being asked personally state as under.

I am residing at the aforesaid place alongwith my family since my birth. I am residing there with my wife and children. I have an agricultural land in Shilapur Village and it is our ancestral occupation. I am a reputed person in the village and I have amicably settled many land related disputes or minor disputes in our village.

I know a resident of our village by name Madhavrao alias Madhavsheth Kahandal and his family since my childhood. I also know his son Kiran Madhavrao Kahandal. One day in the second week of June, 2025, in the evening, while we were chitchatting at the village 'Katta', Kiran Madhavrao Kahandal, the son of Madhavrao alias Madhavsheth Kahandal told me : "Convey a message to Advocate Rameshwar Borade who is representing the opposite party in the cases filed against us that we will amicably settle the land related disputes by holding discussion with Advocate Rameshwar Borade." Two to four days thereafter, when I met Advocate Rameshwar Borade, I conveyed the

message given by Kiran Kahandal to him. Thereupon, Advocate Rameshwar Borade told me : " Ask them to talk to the parties directly and to amicably settle the dispute." Accordingly, I conveyed the said message to Kiran Kahandal. Two days thereafter, Kiran met me and told me to inform Rameshwar Borade to withdraw his appearance from all our cases as soon as possible. Accordingly, I conveyed the said message to Rameshwar Borade on the very day itself. At that time, Rameshwar Borade told me to inform him that he was doing his work only in the capacity as an advocate. At that time, I told both of them to settle the dispute amicably and do not stretch it unnecessarily.

On the date 02.07.2025, he has been assaulted in his office situated at Mandsangavi. I am aware that on the basis of the complaint given by Rameshwar Borade in respect thereof, an offence has been registered with Adgaon Police Station. Moreover, Rameshwar Borade had caught hold of one of the boy who had assaulted him. I learnt that his name is Shrut Navnath Kulaye, R/at – Jail Road, Nashik.

I have read my statement and the same is typewritten as stated by me and the same is true."

12. Thus, it is clear that, in fact, even in the Charge-sheet which has been filed against the Applicant's father and other Accused, the Applicant's role was disclosed and, therefore, he should have been made an Accused earlier. However, during further investigation, the role of the Applicant was seen.

13. This is a very serious case where an Advocate, who is

representing the party and who is the Officer of the Court, has been pressurised to withdraw his appearance from those proceedings and that, when he refused to do so, he was assaulted.

14. The Supreme Court in the case of ***X v. Arun Kumar C.K.*** [2], has held as under:

> "***12.*** *…There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail.* ***Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.***"

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2 (2022) 17 SCC 391

15. In the present case, admittedly, the First Informant was representing the Date family in the civil and criminal proceedings which are pending against the Applicant's father. The statement of said Bhalchandra Bhaskar Kahandal, which is part of the Charge-sheet, *prima facie* shows the involvement of the present Applicant in serious crime of threat and assault on the First Informant who is appearing as Advocate for said Date family.

16. This is a very serious case where, an Advocate, who is representing a party, was not only pressurized to withdraw his appearance but he has been assaulted.

17. In fact, this case shows that there is urgent need of enacting comprehensive legislation to provide adequate protection to Advocates, who are the Officers of the Court.

18. Accordingly, no case is made out for grant of anticipatory bail.

19. The Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]