

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2909 OF 2025

Baban Kisan Ichke	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Pratiksha Thube (through Video Conferencing), for the Applicant.
Ms. Savita M. Yadav, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 3rd FEBRUARY 2026

PC:-

1. Heard Ms. Thube, learned Counsel appearing for the Applicant and Ms. Yadav, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.561 of 2025 registered with Shirur Police Station, Pune Rural, Pune, for the offences punishable under Sections 351(3), 351(2), 352, 115(2) and 118(1) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case and the reasons for rejection of pre-arrest bail are set out in paragraph No.5 of the order dated 10th October 2025 passed by the learned Additional Sessions Judge, Pune in Criminal Bail Application No.5942 of 2025, which read as under:

“5. On perusal of copy of investigation papers, it appears from FIR that in the year 2019 the applicant and co-accused Lilabai had assaulted informant on the reason of agricultural land, therefore informant had lodged report against them. In that crime, the applicant and Lilabai were acquitted. As per FIR, on 25/07/2025 at about 12.15 midnight when informant and his family members were sleeping, they heard noise of breaking of glasses. When informant came out of his house, he saw that applicant and Lilabai were holding sickle and iron rod. It is alleged that applicant threatened the informant and tried to assault on the head of informant by means of sickle, but he stopped said blow by his right hand. At that time, Lilabai was assaulting informant by means of iron rod. Hearing hue and cry of informant, his family members shouted. At that time, informant to save himself ran towards and went inside of house. He called police. It appears that previously also applicant alleged to have assaulted informant, but he acquitted from that case, which shows previous enmity between applicant and informant. Injury report shows that informant had sustained lacerated wound on right forearm on flexor of size 10 cm proximal to wrist joint 5 cm x 1 cm x muscle deep. The spot panchnama also shows that there was blood on spot of incident. The applicant alleged to have assaulted informant by sickle. Police wants to

seize said sickle, which cannot be possible without custodial interrogation of applicant. Therefore, considering the facts and circumstances of the case and the allegations against the applicant, I am not inclined to exercise discretion in favour of applicant to protect him from his arrest in present crime. Hence, I proceed to pass following order-

Application for anticipatory bail (Exh.01) is hereby rejected"

4. It is the submission of Ms. Thube, learned Counsel appearing for the Applicant that the dispute is of civil in nature. She submits that the Applicant has been falsely implicated in the crime. She submits that the Applicant has been acquitted from previous case lodged by the First Informant. She submits that the Applicant is senior citizen aged 64 years and that the Applicant is ready to co-operate with the investigation and therefore, the Anticipatory Bail Application be allowed.

5. On the other hand, Ms. Yadav, learned APP strongly opposes the Anticipatory Bail Application. She submits that as per previous antecedent the Applicant has assaulted the First Informant. She submits that injuries are grievous in nature. She further submits that sickle used in incident in question is yet to be recovered. She

therefore, submits that the Anticipatory Bail Application be rejected.

6. As per the prosecution case, the Applicant has assaulted the First Informant with sickle. There are injuries on the First Informant. Although it is correct that the injuries are of grievous nature, however, perusal of the FIR shows that there is some enmity between the First Informant and the Applicant. In the earlier FIR being C.R. No.644 of 2019 registered with Shirud Police Station, Pune, under Section 326, 337, 504, 506 read with 34 of the Indian Penal Code, 1860, the Applicant and his wife have been acquitted.

7. Perusal of the record shows that there is some dispute between these two families with respect to agricultural land. There is nothing on record to show that apart from the earlier antecedent, where the Applicant has been acquitted, there is any other antecedent. The Applicant is senior citizen of 64 years old.

8. Accordingly, the case is made out for grant of Anticipatory Bail by imposing stringent conditions. In view thereof, the following order is passed:

ORDER

- (a) In the event of arrest of the Applicant-Baban Kisan Ichke in connection with C.R. No.561 of 2025 registered with the Shirur Police Station, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall attend the Shirur Police Station, Pune, on every Sunday between 11:00 a.m. to 01:00 p.m. till filing of the chargesheet and shall cooperate with the investigation. In addition, the Applicant shall attend the concerned Police Station as and when called.
- (c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

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

9. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

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