

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.192 OF 2026

Gopinath *alias* Zampya Vijay Kakade ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ganesh Gole i/b Shirodkar Ateet, for the Applicant.
Ms. G. P. Mulekar, APP for the Respondent-State.
P.S.I. Prabhakar Sonwane, Upnagar Police Station, Nashik City,
present.

CORAM: MADHAV J. JAMDAR, J.
DATED: 22 JANUARY 2026

PC:-

1. Heard Mr. Gole, learned Counsel appearing for the Applicant and Ms. Mulekar, learned APP for the Respondent-State of Maharashtra.

2. By the present 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.374 of 2025 registered with the Upnagar Police Station, Nashik City, for the offences punishable under Sections 3(5), 352, 115(2) and 109(1) of the *Bharatiya Nyaya Sanhita, 2023* ("BNS").

3. The prosecution case and the reasons for rejection of the bail are set out in Paragraph No.6 of the Order dated 24th December 2025 passed in Criminal Bail Application No.428 of 2025. The said Paragraph No.6 reads as under :-

“6. The court perused the contents of the FIR. The role of the accused is specifically attributed. The accused, along with associates, assaulted the informant with an iron rod. The injured sustained a bleeding injury. Though, the charge-sheet is filed in the Magistrate court, the applicant is absconded and he was not available for investigation. There is a possibility of pressurizing the witnesses, tampering with the evidence, and a re-eruption of the previous enmity if the accused is released on bail. The possibility of the repetition of the crime may not be ruled out.”

4. It is the submission of Mr. Gole, learned Counsel for the Applicant that the subject FIR has been filed as a counterblast to CR/FIR No.373 of 2025 registered with the Upnagar Police Station, Nashik City, for the offences punishable under Sections 74, 79, 352 and 351(2) of BNS. He submits that the Applicant is not involved in the crime. He submits that the Charge-sheet is filed and that the Applicant has no antecedents. He further submits that the Applicant will cooperate with the investigation.

5. On the other hand, Ms. Mulekar, learned APP, strongly opposes the Anticipatory Bail Application. She submits that the offence is very serious and that the Applicant has used an iron rod and, therefore, the Anticipatory Bail Application be rejected.

6. Perusal of the record shows that *prima facie* the incident in question has taken place on the spur of the moment. The Applicant has no criminal antecedents.

7. Mr. Gole, learned Counsel for the Applicant submitted that the Applicant will cooperate with the investigation.

8. Accordingly, the case is made out for grant of anticipatory bail by imposing certain conditions.

9. In view thereof, the following Order is passed:

ORDER

- (a) In the event of arrest of the Applicant - Gopinath *alias* Zampya Vijay Kakade, in connection with CR No.374 of 2025 registered with the Upnagar Police Station, Nashik City, he be released on bail on his furnishing

PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall attend the concerned Police Station, once in a week i.e. on every Sunday between 11:00 am to 01:00 pm, till framing of the charge.
- (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.
- (f) The Applicant shall not leave India without prior permission of the Court.

10. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]