



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.112 OF 2026

Gajanan Lakshman Shewale and anotehr

Vs.

State of Maharashtra, through PSO, PS Janephal, Tq. Mehkar, Dist.
Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri V.R. Deshpande, Advocate for applicant.
Ms D.V. Sapkal, AGP / APP for respondent/State.

CORAM : M.W. CHANDWANI, J.

DATE : 16.03.2026.

1. The applicants are apprehending their arrest in connection with Crime No.397/2025 registered with Police Station, Janephal, Buldhana for the offence punishable under Sections 352, 351(3), 351(2), 296, 191(3), 191(2), 190, 189(2), 118(2), 118(1), 115(2) of the Bharitya Nyaya Sanhita, 2023.

2. Heard the learned counsel for the applicant and learned Additional Public Prosecutor for the non-applicant/ State.

3. Having gone through the case diary, it appears that a civil suit is pending wherein, an order granting temporary injunction has been passed in favour of both the applicants.

4. It is alleged that on 16.11.2025, when the complainant's son Abhishek was standing near Indiranagar

Chowk, the applicants came there and started abusing him. When the husband of the complainant intervened, applicant – Rameshwar Shewale abused him as well. It is alleged that applicant – Rameshwar took out a knife and assaulted the complainant on her head, whereby she sustained injuries. Whereas, the allegation against applicant – Gajanan Shewale is that he assaulted the husband of the complainant by means of an iron rod.

5. Though, the applicant allegedly assaulted on the person of complainant by means of a knife, there is no lacerated or incise injury or even bleeding injury. The injury on the person of the complainant is described as minimal swelling/hematoma on her head. So far as the injury on the person of the husband of the complainant is concerned, he has suffered a fracture. The incident arose out of a civil dispute. The applicant to whom the assault by means of knife has been attributed is 62 years old. Considering the nature of injury sustained by the complainant, *prima facie*, the possibility of exaggeration of the facts by the complainant cannot be ruled out more particularly when there is a delay of three days in lodging the FIR.

6. Considering the nature of allegations in the FIR, the fact that a civil suit is pending between the parties, delay in lodging the FIR as well as nature of injury to the complainant, in my view, a case is made out for grant of anticipatory bail.

7. So far as the anxiety of the learned APP that the

weapon used in the incident is not yet recovered is concerned, stringent conditions can be imposed on the applicants in that regard. Hence, the following order:

- (i) The application is allowed and disposed of.
- (ii) In the event of arrest in connection with Crime No.397/2025 registered with Police Station, Janephal, Buldhana for the offence punishable under Sections 352, 351(3), 351(2), 296, 191(3), 191(2), 190, 118(2), 189(2), 118(1), 115(2) of the Bharitya Nyaya Sanhita, 2023, the applicants – (1) **Gajanan Lakshman Shewale** and (2) **Rameshwar s/o Gajanan Shewale** be released on bail on furnishing a PR bond of Rs.25,000/- each with one solvent surety each in the like amount.
- (ii) The applicants shall attend the concerned Police Station on every Wednesday and Friday for the next two weeks between 10.00 am to 12.00 noon and cooperate with the investigating authority.
- (iii) The applicants shall not tamper with the prosecution evidence and shall not threaten the prosecution witnesses.
- (iv) So far as recovery of weapon is concerned, presence of the applicants shall be treated as custody within the meaning of Section 23 of the Bharatiya Sakshya Adhiniyam, 2023.

(M.W. Chandwani, J.)

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