



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

CRIMINAL APPLICATION (ABA) NO. 148 OF 2026

Wasudeo Ramrao Kale Vs State of Maharashtra

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Anil S. Mardikar, Senior Counsel a/b Ms Shubhada Chondekar, for Petitioner.

Mrs. M.R. Kavimandan, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 27/04/2026

1. Apprehending arrest in connection with Crime No. 49/2026 registered with Police Station, Nandura, District Buldhana for the offence punishable under sections 109, 118(1), 296, 352, 351(2), 351(3), 49 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant has approached this Court.

2. The First Information Report (FIR) is lodged at the instance of one Prateek Sunil Helge against two persons. Accused no.1 in the FIR is the real brother of the applicant. Accused No.1 was arrested in the crime and this Court on 17/03/2026, has allowed his application.

3. The learned Senior Counsel Mr. Anil S. Mardikar, with Ms Shubhada Chondekar, has contended that if the role assigned to the applicant is seen, it would reveal that he only attempted to give blow by means of the hand of an axe. He submitted that it is not even case of the non-applicant that applicant has caused any injury to the informant or any other person. He further submitted that

on the same day, at the same police station and prior in point of time, the wife of the applicant had also lodged a report against one Amol Dadarao Bathe and one unknown person, on the basis of which an offence came to be registered for offences punishable under Sections 115(2), 118(1), 296, 3(5), 324(4), 351(2), 351(3), and 352 of the Bharatiya Nyaya Sanhita, 2023.

4. He further argued that this Court, vide its order dated 25/02/2026, had granted ad-interim anticipatory bail to the applicant with a direction to attend the concerned police station, and accordingly, the applicant has attended the police station.

5. Per contra, the learned APP has contended that the applicant is also charged for the commission of offence punishable under Section 3(5) of Bhartiya Nyaya Sanhita, 2023, and whether there was common intention shared by the applicant and accused No.1 would be matter of trial. In order to oppose the anticipatory bail application, she submitted that though the applicant has not assaulted anybody, he was an aggressor. She, therefore, requested for rejection of the application.

6. With the assistance of the respective counsels, I have gone through the record of the case. In short, it is the case of the prosecution that the accused, on the day of incident, were cultivating/were ploughing E-class land. When the informant/party intervened and questioned about ploughing the land on that ground, a quarrel took

place. In the said quarrel, the accused No.1, had assaulted by tractor stapling and caused injury to the chin of informant. So far as the present applicant is concerned, it is alleged that he tried to assault the cousin uncle of the informant by name of Amol Dadarao Bathe, by means of the handle of axe. Prima-facie, it is seen that applicant has not assaulted any person. The co-accused in the crime was already arrested and released on bail. Considering the fact that, the applicant has attended the concerned police station, and the nature of allegations against him, as well as the fact that applicant has no criminal antecedents, the following order is passed.

ORDER

- a) The criminal application is **allowed**.
- b) In the event of arrest, in connection with Crime No. 49/2026 registered with Police Station, Nandura, District Buldhana for the offence punishable under sections 109, 118(1), 296, 352, 351(2), 351(3), 49 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant **Wasudev Ramrao Kale**, be released on bail on furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when required.

- d) The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses.
- e) The applicant shall not leave the India without prior permission of the Court.

(RAJNISH R. VYAS, J.)