



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
CRIMINAL APPLICATION (ABA) NO. 308 OF 2026

RAJESH MADHUKAR GAWHALE AND ANOTHER 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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Shri S.V. Sirpurkar, Advocate for applicants.
 Shri A.M. Ghogare, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 20/04/2026

Apprehending arrest, the applicants have preferred this application for the grant of anticipatory bail in connection with Crime No. 116/2026, dated 06/04/2026, registered with Police Station Tamgao, Tq. Sangrampur, District Buldhana for the offence punishable under Section 132, 121 (1), 118(1), 115(2), 296, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. In short, the prosecution case is that on 05/04/2026, secret information was received, on the basis of which the informant, who was a Police Head Constable, along with others, proceeded to the spot of the incident. At the spot, the applicants were found present. Applicant No. 2, Manoj Gavale, was also working with Ural Police Station.

3. Upon being inquired by the informant regarding the purpose of their presence at the spot at such an hour one of the applicants/accused told that he had informed

the Police Jamadar regarding the hidden treasure. At that time, applicant Manoj had used language adamantly. The incident escalated and resulted in an assault on the informant by Manoj Gavale by means of a Bracelet. In this background, since the informant had sustained the injuries, criminal law was set in motion.

4. The learned counsel for the applicants submitted that one of the applicant's, a Police Constable attached to the Ural Police Station, and it was the said applicant who had given the information regarding the hidden treasure. According to the learned counsel for the applicants, the averments made in the FIR reveal that an offence under Section 132 of BNS is not made out, since the assault or use of criminal force was not with a view to deter the public servant from discharging his duty.

5. Learned APP opposed the application and prayed for time to file a reply.

6. Considering the nature of the allegations and the fact that one of the applicants was working as the Head Constable and had given information to the police station about alleged hidden treasure, prima-facie, I am of the view that, till reply is filed, the liberty of the applicants is required to be protected. Hence, the following order.

ORDER

a) Issue notice to the non-applicant, returnable

on 27/04/2026

- b) The learned APP waives service of notice on behalf of the non-applicant/ State.
- c) In the event of arrest, in connection with Crime No. 116/2026, dated 06/04/2026, registered with Police Station Tamgao, Tq. Sangrampur, District Buldhana for the offence punishable under Section 132, 121 (1), 118(1), 115(2), 296, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants (1) **Rajesh Madhukar Gawhale** (2) **Manoj Madhukar Gawhale** be released on ad-interim bail on each furnishing a P.R. bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.
- d) The applicants shall attend the concerned Police Station on 23rd and 24th of April 2026, between 12.00 p.m. to 02.00 p.m.
- e) The applicants shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses.
- f) The applicants shall not leave the India without prior permission of the Court.

(RAJNISH R. VYAS, J.)