



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

CRIMINAL APPLICATION (ABA) NO. 338 OF 2026

Sagar s/o Babarao Ingle 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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Mr. R.M. Daga, counsel for applicants.

Ms. D.V. Sapkal, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 05/05/2026

1. Heard the respective counsels.

2. Apprehending arrest in connection with Crime No. 253/2026, dated 13/03/2026 registered with Police Station Barshitakli, Dist Akola, for the offences punishable under Sections 118(1), 118(2), 189(2), 190, 191(2), 191(3), 324(4) and 351(2) of the Bharatiya Nyaya Sanhita, 2023, the applicants have approached this Court. The informant of the crime is one Suryabhan Baban Ingale, on whose complaint crime was registered.

3. In short, it is the case of informant named Suryabhan Ingale that he was having an agricultural field and he himself used to cultivate the same. On 07.03.2026, he along with one Subhadra Dhurve, labourer, were proceeding towards the agricultural field. The nephew of the informant by name Pravin and Shubhan, were driving a tractor and going towards the agricultural field. The informant and Subhadra were in bullock-cart. As the two tractors, went in a speed ahead of the bullock-cart,

bullock-cart driven by the informant landed in the agricultural field of one Vishnu Ganpat Ingale/ accused no.1 in the First Information Report. At that time, quarrel took place. It is alleged in the first information report that the quarrel escalated in which accused – Vishnu, came with the axe and assaulted Baliram Ingale on his head. Digambar/accused no.4 assaulted said Baliram by means of pipe on the back, leg and the hands. It was further alleged that due to assault on the head, Baliram sustained injuries and blood started oozing from the injuries sustained.

5. According to the first information report, applicant Mayur/accused no.5, caught hold of Sachin and accused Vaibhav Ingale/accused no.3, by means of pipe, assaulted on his nose. So far as the accused Ankush / accused no.2 is concerned, it was alleged that he had pushed one Subhadra Dhurve so also assaulted her by means of slaps and blows and also bitten on left shoulder. The accused No.8 named Sagar had also bitten on the left shoulder of said Subhadra Dhurve. It was further alleged in the first information report that the informant party threatened to kill the members of accused party. It was further alleged that lights of tractor of Pravin Ingale and Shubham Ingale were broken.

6. As the informant party sustained injuries, injured persons were hospitalized. In this background, the first information report came to be registered.

7. The learned counsel for the applicants has contended that it is a case of free fight and even Ankush Ingale, who is named as accused no.2, in the First Information Report No.253/2026, has lodged a complaint on the basis of which, Crime No.254/2026 was registered with Police Station Barshitakli, Dist Akola, for the offences punishable under Sections 189(2), 191(2), 191(3), 190, 118(1), 118(2) and 351(2) of Bharatiya Nyaya Sanhita, 2023. This First Information Report is registered in all against 12 persons i.e. the persons from the side of complainant party in Crime No.253/2026.

8. The learned counsel for the applicants has argued that, so far as the applicant Sagar Babarao Ingle is concerned, it is alleged that he has caught hold of the neck of Sachin Ingle, who was then assaulted by Vaibhav Vishnu Ingale. As far as applicant Sagar Ingle is concerned, it was alleged in the FIR that he had bitten the lady by name Subhadra Dhurve. In this background, he submitted that possibility of false implication cannot be ruled out. He argued that though Section 189 (2) of B.N.S. is invoked, the law laid down by the Hon'ble Apex Court in the case of ***Siddharam Satlingappa Mhetre vs State Of Maharashtra And Ors reported in AIR 2011 SC 312***, will also needs to be looked into as the Hon'ble Apex Court has stated that Section 149 and 34 of I.P.C.is invoked, the extra care is required to be taken.

9. Per contra, the learned APP has contended there are specific allegations against the present applicants and

therefore, prayed for rejection of the bail application.

10. With the assistance of the respective counsels, I have gone through the record of the case. In the FIR, apart from the initial allegation that both the applicants came and had participated in quarrel, their further role in the FIR is that the applicant Mayur had caught hold the neck of the Sachin who was then assaulted by Vaibhav Ingale. As far as the applicant Sagar is concerned, he has bitten Subhadhra Dhurve. It is not even the case of prosecution that at the time of commission of offence, these persons were carrying any weapon in their hands and the applicants have criminal antecedents. Considering the nature of allegations, and the fact that applicants have no criminal antecedents. So also the parameters laid down in the case of *Siddharam Satlingappa Mhetre (supra)*, which are reproduced here-in-below :

- “i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
- iii. The possibility of the applicant to flee from justice;
- iv. The possibility of the accused's likelihood to

repeat similar or the other offences.

- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.
- vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of Section 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;
- viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;
- ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of

threat to the complainant;

- x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”

I am inclined to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] In the event of arrest in connection with Crime No. 253/2026, registered with Police Station Barshitakli, Dist Akola, for the offences punishable under Sections 118(1), 118(2), 189(2), 190, 191(2), 191(3), 324(4) and 351(2) of Bharatiya Nyaya Sanhita, 2023, applicants namely – **Sagar s/o Babarao Ingle and Mayur s/o Sunil Ingle** shall be released on bail on furnishing a PR bond of Rs. 55,000/- [Fifty Five Thousand only] each with one solvent surety each in the like amount.
- c] The applicants shall attend the concerned Police Station twice a month i.e. second and

fourth Sunday between 12:00 pm to 03:00 p.m.,

- d] The applicants shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.
- e] The applicants shall not leave India without prior permission of this Court.

(RAJNISH R. VYAS, J.)