



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

CRIMINAL APPLICATION (ABA) NO. 342 of 2026

(Gajanan Baban Ingle and ors Vs. State, thr PSO, PS Barshitakli, Akola, Tal. Dist. Akola)

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

Court's or Judge's orders.

Mr. A.R. Deshpande, Advocate for applicants.
Mr. S.B. Bissa, APP for non-applicant/State.
Mr. A.N. Rangari, Advocate to assist the Prosecution.

CORAM: RAJNISH R. VYAS, J.

DATE: 06.05.2026

Heard.

CRIMINAL APPLICATION (APPP) NO 1626 OF 2026

For the reasons stated, the application is allowed
and disposed of accordingly.

CRIMINAL APPLICATION (ABA) NO. 342 of 2026

Heard.

2. Apprehending arrest, the original accused Nos. 2, 3,5,6 and 8 have approached this Court. The First Information Report No. 254/2026, dated 13.3.2026, was registered with Barshitakli Police Station, Dist. Akola, for the offences punishable under Sections 189(2), 191(2), 191(3), 190, 118(1), 118(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 at the behest of one Vishnu Ingle.

3. In short, it was the case of the complainant in the FIR that there was a dispute regarding right to way between

the accused party and the complainant party. The civil proceedings were also filed by the parties against each other. On 17.3.2026, all the accused persons including the present applicants started discussing the issue of right to way. At that time, accused Pravin had brought tractor in the field of the informant. Applicant no.1 Gajanan and one Rameshwar Ingle tried to cause damage to the field bund. Thereafter, quarrel was escalated and resulted into the assault by both the parties. Even the accused party had filed FIR with the same police station against the members of the complainant party.

4. In this background, the learned counsel for the applicants has argued that so far as the involvement of the present applicants is concerned, the only statement is that they initially started discussing the issue of right to way with the complainant party. The further allegation regarding breaking the bund was against applicant Gajanan. According to the learned counsel for the applicants, none of the applicants either were carrying any weapon or had assaulted the complainant party. The learned counsel has also brought to my notice the order passed by this Court granting anticipatory bail to the complainant party except one Vishnu. He thus prayed for extension of benefit of anticipatory bail with the additional ground that none of the applicants were convicted for any offence earlier.

5. *Per contra*, learned APP has argued that though, the applicants were not involved in any actual assault, they were part of an unlawful assembly. Learned counsel for the

complainant has submitted that when the offence is registered under Sections 34 and 149 of the Indian Penal Code i.e. under Section 189 of the Bharatiya Nyaya Sanhita, the liability of every member would be the same. He thus prayed for rejection of the application.

6. With the able assistance of the learned counsels for the respective parties, I have gone through the record of the case.

7. The law in this regard is now well settled. The authoritative judgment of the Hon'ble Apex Court in case of ***Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others*** reported in ***2011(1) SCC 694*** provides the parameters to be taken into consideration while dealing with the anticipatory bail application. One of the parameters is that when the persons are impleaded as an accused with aid of Section 149 of the IPC, then extra caution is required to be taken since the over implication in such cases is a matter of common knowledge and concern.

8. In the aforesaid background, if the allegations are perused, it will reveal that on the issue of right to way, initial discussion took place between the accused and the informant. Thereafter, the applicant Gajanan, along with other accused caused damage to the field bund. The quarrel escalated which resulted into assault by both the parties. It is not disputed by the learned counsels that the present applicants were neither carrying any weapon nor had participated in actual assault.

Since, the members of the complainant party are already granted anticipatory bail except the accused Vishnu in counter case, I am inclined to pass the following order:

ORDER

- i) The Criminal Application is allowed.
- ii) In the event of arrest in connection with Crime No. 254/2026, dated 13.3.2026, was registered with Barshitakli Police Station, Dist. Akola, for the offences punishable under Sections 189(2), 191(2), 191(3), 190, 118(1), 118(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023, the applicants namely, Gajanan Baban Ingle, Suryabhan Baban Ingle, Bhimrao Omkar Ingle, Vishwambar Omkar Ingle and Sachim Bhimrao Ingle be released on bail on furnishing a P.R. bond of Rs. 55,000/- (Rupees Fifty Five Thousand only) each with one solvent surety in the like amount.
- iii) The applicants shall attend the concerned Police Station from 11th to 13th May, 2026, between 3.00 p.m. to 6.00 p.m. and shall cooperate to the Investigating Agency. Thereafter, the applicants shall attend the police station as and when directed by the Investigating Officer.
- iv) The applicants shall not tamper with the prosecution evidence or threaten the prosecution witnesses.
- v) The applicants shall not leave India without prior permission of the Court.

(RAJNISH R. VYAS, J.)