

IN THE COURT OF ADDITIONAL SESSIONS JUDGE BILOLI,
DIST. NANDED.

MHND050006292026

Cri. Bail Appln. (ABA) No.146/2026
Shivaji + 01 Vs. State



ORDER PASSED BELOW APPLICATION AT EXH. 1
(Passed on this 29th day of July, 2026)

After going through the contents in the application and say/remarks filed by the Learned A.P.P. for the State and the material available on record, following points arise for my determination, and I have recorded my findings thereon with reasons thereto, which are as follows :

<u>Sr.</u> <u>No.</u>	<u>P O I N T S</u>	<u>F I N D I N G S</u>
01.	Whether there are sufficient grounds to grant protection by way of anticipatory bail to the applicants-accused in accordance with the provision of Sec. 482 of B.N.S.S. 2023 ?	No
02.	What order ?	The application is rejected.

: R E A S O N S :

As to Point Nos.1 and 2 :-

02. The offence punishable under Sections 115(2), 118(1), 118(2), 126(2), 189(1), 189(2), 191(2), 191(3), 190,

296, 351(2), 351(3) of BNS 2023 and offence punishable under Section 135 of the Maharashtra Police Act is registered against the applicants-accused and other accused at Naigaon police station under Crime No.145/2026. It is alleged in the report filed by the complainant Balwant Anandrao Shinde that Shivaji Shesherao Shinde who is ex-sarpanch and Datta Gangadhar Shinde who is ex deputy sarpanch were involved in the corruption of certain funds of Grampanchayat. The complainant and one Avinash Balaji Shinde and others raised the grievance in this regard. The inquiry is initiated to that effect. According to the complainant, the report of inquiry is forwarded at Zilla Parishad Nanded. As the said inquiry was initiated on grievance of the complainant there is grudge in the mind of applicants-accused and other accused who are follower of this applicant-accused against the complainant. On the background of these circumstances the incident under consideration is occurred.

03. It is further alleged in report that on 14-06-2026 at about 8.00 a.m. the complainant and his brother were busy in their cattle shed. Chautrabai who is mother and Ananda who is father were at home. At that time these applicants-accused and other accused involved in the offence collectively came towards the cattle shed of the complainant. They formed an unlawful assembly on said spot the common object of said assembly was to commit the offences alleged hereinafter. In prosecution of common object of said assembly they raised on the complainant alleging that तुम्ही ग्रामपंचायत अंतर्गत झालेल्या कामाची चौकशी का लावली

आहे. This applicant-accused and one Datta Gangadhar Shinde, Prabhakar Gangadhar Shinde who were members of that unlawful assembly started to abuse the complainant and his brother in filthy language. They also threatened the complainant . The applicant accused Shivaji Shesherao Sinda was armed with stone at that time. He in prosecution of common object of unlawful assembly assaulted the complainant and gave blow of stone on his hand and on forehead. As a result of it complainant sustained injury . Kamaji Mohan Shinde who was one of the accused was armed with iron rod. He gave blow of iron rod in his hand on joint of left hand of the complainant. Whereas Rutik Vithal Shinde who was another member of that unlawful assembly gave blow by means of stick on back of the complainant. Thereafter Venkat Kishan Shinde who was armed with stone pelted stone on the person of complainant. As a result of it the complainant sustained invisible injury on small finger of his right leg. When father of the complainant rushed to intervene and rescue the complainant the applicant accused Shivaji gave blow of axe on head of father of complainant. As a result of it he sustained bleeding injury. Prakash also gave blow of iron pipe on left hand of the father of complainant. He also gave blow on ear. As a result of said blow the ear of father of complainant was cut. Gangesh who was armed with iron pipe also gave blow of said pipe on left hand of the complainant. Maroti Datta Shinde who was armed with stone also gave the blow of said stone on leg of father of

complainant. His father fall down. Thereafter brother of complainant Namdev was trying to rescue his father. However, Datta who was armed with iron katti known as Koyata on head of brother of complainant. Nagesh, Anil and Vithal who were armed with sticks also gave blows by means of sticks on the hand of brother of complainant. He also sustained injuries to his wrist and back. Pralhad and Raosaheb who rushed on the spot of incident after hearing noise rescued the complainant, his father and brother from the clutches of these applicants-accused and other accused. The offence under consideration is registered on the basis of report filed by the complainant.

04. The applicants-accused who have apprehension of their arrest in offence under consideration has come with the case that no any offence as alleged in the report at all. He has not committed any offence. The complainant has cooked this case with intent to indulge him as well as other accused in offence under consideration. The Ld. Counsel for applicant accused explained entire background report under consideration. He submitted that the applicant accused is not acting member of Grampanchayat at present. Therefore, the question of formation of unlawful assembly with the help of rest of accused at the spot of incident under his leadership itself are false and fabricated allegations. He submitted that though the complainant has come with the allegation that the grievance was raised by him against this applicant-accused in respect of misappropriation of funds of Grampanchayat; the allegations of

complainant in this regard are also baseless allegations. Further, there is no any nexus between the said complaint and incident under consideration. The Ld. Counsel invited my attention towards the allegation in report and submitted that how false and concocted case is cooked by the complainant can very well be gathered on the basis of the allegations itself. Though, no such incident as alleged in report is occurred the complainant has made the allegation in respect of use of stone, iron rod, sticks, axe etc to increase the gravity of offence and add colors of exaggeration. The learned counsel submitted that the allegation in report itself are vague and general allegation. The complainant is stating that this applicant accused was armed with stone at one place and thereafter he has suddenly made the allegation that axe was in hand of this applicant accused. Though the complainant has made the allegation in respect of assault by means of axe on father of the complainant, the allegation itself are false. Material available on record itself is sufficient that how a concocted allegations are made. So far as investigation is concerned, the learned counsel submitted that material part of investigation is almost complete. The custodial interrogation of the applicant accused is not necessary at all. The applicant accused is ready to abide all the conditions laid down by this court while giving protection by way of anticipatory bail for the purpose of remaining investigation. He submitted that the applicant accused is suffering from heart disease and undergone through bypass surgery. The allegation

in report are mostly based upon political rivalry. No prejudice will cause to the investigation authority if protection by way of anticipatory bail is granted.

05. The Ld. APP for State while resisting the application by way of report of investigation authority and his own remarks vehemently submitted that there is active participation of applicant-accused in offence under consideration. He reproduced all the allegations in report through his submission and pointed out me that the injuries in the form of grievous hurt are sustained to the father of complainant as well as his brother. The unlawful assembly was formed on the spot of incident under the head of this applicant-accused. This applicant was armed with axe at the relevant time of incident. Ld. APP pointed out me that there are specific allegations in respect of assault by means of axe on father of complainant. He submitted that the investigation is at initial stage it is necessary to recover the articles especially the axe which is used by this applicant-accused as weapon of offence. Therefore, custodial interrogation of this applicant-accused is necessary. For all these reasons he prayed for rejection of application.

06. I have gone through the allegations in report material produced on record and grounds raised in application on the background of submission by Ld. Counsel for applicant-accused and Ld. APP for State. The allegation in report prima facie goes to show that inquiry in respect of misappropriation

of Grampanchayat funds on the part of this applicant-accused was initiated on the basis of grievance raised on the part of complainant. The said material at this prima facie stage is sufficient to gather that there was motive to commit the offence. This applicant-accused and other accused who formed unlawful assembly were armed with deadly weapons such as axe, stone, sticks, iron rod etc. The allegation goes to show that this applicant-accused and other accused; in prosecution of their common object of their assembly assaulted the complainant. When father of the complainant intervene to rescue the complainant, he was also assaulted by means of those deadly weapons. There are specific allegations of assault on the part of this applicant-accused on father of the complainant by means of axe. As per allegations this applicant-accused gave blows by means of axe to father of complainant. The rest of accused who were armed with other weapons were also assaulting the injured in prosecution of common object of said assembly. I have to accept the submissions of Ld. APP for State that accusations against this applicant-accused is well founded. It is necessary to recover the axe and other articles which are used as weapon of offence. Therefore, custodial interrogation of the applicant-accused for the purpose of recovery is absolutely necessary. Therefore, I do not find sufficient strength in the submission of Ld. Counsel for the applicant-accused at this prima facie stage that this applicant-accused is entitled to seek anticipatory bail. In the result, I answer point No.1 in negative and proceed to

..8.. Cri. Bail Appln. No. 146/2026,
Ord. below Exh.-01.

pass following order:-

ORDER

- 1- Application stands rejected.
- 2- Inform the concern police station accordingly.

Date :- 29-07-2026.

(R. V. Huddar)
Addl. Sessions Judge,
Biloli.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the original Judgment.

Name of the Stenographer : Onkare A. M.
Stenographer Grade-I

Court Name : Court of DJ-1 & ASJ, Biloli

Date : 29-07-2026

Judgment signed by the Presiding Officer on : 29-07-2026

Judgment/Order uploaded on : 29-07-2026