

MHBI04000
4562026



ABA No. 211/2026

Sandip S/o. Vishnu Musale,

Vs.

State of Maharashtra

ORDER BELOW EXH.01.

(A) CASE DETAILS

1	FIR number and date	418/2026, dt.date not mentioned in prescribed proforma.
2	Police station, District and State	Parli Vajinath Rural, Beed, Maharashtra
3	Sections invoked	115(2), 118(2), 333, 352, 351(2), 3(5) of BNS
4	Maximum punishment prescribed	

(B) CUSTODY AND PROCEDURAL COMPLIANCE

1	Date of arrest	N/A
2	Total period of custody undergone	N/A

(C) STATUS OF TRIAL

1	Stage of proceedings (Investigation / Charge-sheet / Cognizance / Framing of Charges / Trial)	Investigation.
2	Total number of witnesses cited in the charge-sheet	No.
3	Number of prosecution witnesses examined	No.

(D) CRIMINAL ANTECEDENTS

1	FIR and Police Station	No.
2	Sections	No
3	Status (Pending / Acquitted / Convicted)	No.

(E) PREVIOUS BAIL APPLICATIONS

1	Court	No.
2	Case No.	No.
3	Outcome of case	No

(F) COERCIVE PROCESSES

1	Whether any Non-Bailable Warrant was issued	No.
2	Whether declared a proclaimed offender	No.

1. The applicant seeks anticipatory bail in Crime No. 04182026 registered with Parli Rural Police Station for the offences punishable under Sections 115(2), 118(2), 333, 352, 351(2) and 35 of the BNS.

2. The case of the prosecution is that there was previous dispute between the families of the complainant and the applicant. It is alleged that on 07.09.2025 at about 06:30 p.m., the applicant, along with co-accused and two others, entered the house of the complainant, abused and threatened the inmates, and assaulted the complainant with an iron rod, causing fracture injury to his thigh, while the other family members were also assaulted. It is further alleged that the complainant was initially treated at Parli and thereafter referred to

Ambajogai, where surgery was performed on his thigh.

3. Heard learned counsel for the applicant and learned Additional Public Prosecutor for the State. Perused the application, affidavit, prosecution say, and the record placed before the Court.

4. The applicant has contended that he has been falsely implicated due to old enmity, that the complaint is delayed, that he is serving in the Army, that investigation is complete, and that no recovery is pending. It is also submitted that his brother and co-accused has already been granted bail by this Court.

5. The State has opposed the application on the ground that the allegations are serious, that the applicant may misuse the liberty, influence witnesses, and hamper investigation, and that custodial interrogation is necessary

6. The law relating to anticipatory bail is now well settled. The Section 438 is intended to protect personal liberty and that the provision should not be narrowed by rigid rules not found in the statute. anticipatory bail ordinarily need not be time bound and that the grant of such relief depends upon the facts of each case, while balancing liberty with the need of fair investigation. The Supreme Court has also emphasized that anticipatory bail cannot be denied merely on a mechanical assertion of custodial interrogation; the Court must examine whether custody is truly necessary in the facts of the case. At the same time, where the accusation is specific, the role attributed to the applicant is direct, and the allegations disclose a serious assault causing grievous injury, the Court must carefully weigh the seriousness of the offence, the stage of investigation, and the possibility of tampering with evidence.

7. In the present matter, the applicant is specifically named in

the FIR and a definite overt act is attributed to him. The allegation is not vague or omnibus. The complainant has stated that the applicant assaulted him with an iron rod, resulting in fracture injury and surgery. Such allegation does raise a serious issue and cannot be lightly brushed aside.

8. However, this Court is required to consider not merely the accusation, but also whether arrest is necessary for the purpose of investigation. The prosecution has stated in a general manner that custodial interrogation is necessary, but no specific circumstance has been placed to show that the applicant's custody is indispensable at this stage. The applicant is stated to be a resident of village Nagapur and is said to be serving in the Army. The affidavit also states that he has roots in society and undertakes to cooperate with the investigation. The complaint itself discloses that there was prior dispute between the families. The issue of delay in lodging the complaint and the plea of false implication may be matters for trial, but they do indicate that the matter arises out of a family dispute and not from a completely isolated incident. The co-accused has already been granted bail by this Court, and although parity by itself is not decisive, it is a relevant consideration when the role attributed is similar.

9. This Court is also conscious that anticipatory bail does not grant immunity from investigation. What is required is protection from unnecessary arrest, subject to strict conditions to secure the fair course of investigation. The balance of convenience, in the facts of the present case, lies in favour of granting pre-arrest protection with appropriate safeguards rather than directing custodial arrest. The applicant can be adequately secured by imposing stringent conditions.

ORDER

- (1) The application is allowed.
- (2) In the event of arrest of the applicant in Crime No.418/2026

registered with Parli Rural Police Station for the offences punishable under Sections 115(2), 118(2), 333, 352, 351(2) and 3(5) of the BNS, he shall be released on bail on executing a personal bond of Rs. 25,000/- with one or two solvent sureties in the like amount, on the following conditions:

1. The applicant shall attend the Investigating Officer as and when called and shall cooperate with the investigation.
 2. The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case.
 3. The applicant shall not tamper with prosecution evidence or influence witnesses.
 4. The applicant shall not leave India without prior permission of this Court.
 5. The applicant shall furnish his current residential address and mobile number to the Investigating Officer and shall not change the same without prior intimation to the Court and the Investigating Officer.
 6. The applicant shall remain present before the Investigating Officer on the dates fixed for investigation and shall comply with all lawful directions.
- (3) It is clarified that if the applicant misuses the liberty granted by this order, the prosecution shall be at liberty to apply for cancellation of anticipatory bail in accordance with law.
- (4) Inform concerned police station accordingly.

Place : Ambajogai

Date : 12.06.2026

(Dr.Rachna R. Tehra)
Additional Sessions Judge,
Ambajogai.

CERTIFICATE

“I affirm that all the contents of this PDF file are word to word as per original judgment/order”.

Dictated on : 12.06.2026

Transcribed on : 12.06.2026

Checked & Signed on : 12.06.2026

Date : 12.06.2026

A.S.PANHALE
STENOGRAPHER GR-1