

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,**  
**KHAMGAON, DISTRICT BULDANA**

Present: Laxmikant A. Bidwai, Additional Sessions Judge.

MHBU040004182026



**Criminal Bail Application No. 98/2026**

<b><u>Applicants/ accused</u></b>	<b>1. Sadashiv Rajaram Nimbolkar</b> Age- 60 years, Occupation- Agriculturist, <b>2. Mohan Sadashiv Nimbolkar</b> Age- 30 years, Occupation- Business, Both are r/o. Tunki Bk., Tq. Sangrampur, District Buldhana.
<b>Represented by</b>	Mr. M. S. Kharat, Advocate.
<b><u>Respondent</u></b>	<b>State of Maharashtra,</b> Police Station Sonala, Tq. Sangrampur, Dist. Buldhana
<b>Represented by</b>	Mr. P. T. Lahudkar, Ld. APP

**Order below bail application Exh. 01**

(dated 02/04/2026)

**A. Case Details :-**

<b>FIR Number and Date</b>	115/2025, dated 06/05/2025
<b>Police Station, District and State</b>	P. S.- Sonala, District- Buldhana, State - Maharashtra.
<b>Sections invoked</b>	74, 75, 76, 333, 115(2), 351(2), 351(3), 352, 3(5) of the BNS

<b>Maximum punishment prescribed</b>	Up to five years
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**B. Custody and Procedural Compliance :-**

<b>Date of Arrest</b>	Not arrested
<b>Total period of custody undergone</b>	Nil

**C. Status of Trial :-**

<b>Stage of proceedings (Investigation/Charge-sheet/Cognizance/Framing of Charges/Trial)</b>	Charge-sheet is filed
<b>Total number of witnesses cited in the charge-sheet</b>	13
<b>Number of prosecution witnesses examined</b>	0

**D. Criminal Antecedents :-**

<b>FIR No. and Police Station</b>	Not provided by prosecution, if any
<b>Sections</b>	---
<b>Status (Pending/Acquitted Convicted)</b>	---

**E. Previous Bail Applications :-**

<b>Court</b>	Nil
<b>Case No.</b>	Nil

Outcome of Case	---
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**F Coercive Processes :-**

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

This is the first application by the accused under section 482 of the BNSS for grant of pre-arrest bail.

**02.** The notice was issued to the State, I.O. and the victim. In turn the State and I.O. have filed their common reply as per Exh. 05 and strongly opposed the application.

**2.1** The victim has filed her protest application through her mother as per Exh. 10.

**03.** Heard both sides and perused the case diary.

**04.** The prosecution case is that the victim is sister-in-law of the accused Sadashiv and aunt of the accused Mohan. On 05/05/2025 at about 09.20 p.m. she was alone at her home. At that time both the accused trespassed in her house and asked her where she has seen her husband Gajanan Nimbolkar. She has replied them he is not at home, but accused have not believed it. They have searched the entire house. Later, the accused Sadashiv pushed the victim on the bed and with intention to outrage her modesty slept over her. Somehow the

victim rescued herself and rushed outside the house and shouted. Thus, the peoples were gathered on the spot, therefore the accused left the spot. The FIR was lodged on very day by the victim.

- 05.** The accused is seeking the bail on the grounds that
- a. they have been involved in the false case.
  - b. they are innocent.
  - c. they were not arrested by the I. O., by issuing notice under section 35(3) of the BNSS.
  - d. the investigation is over and charge-sheet is filed in the court of Jurisdiction Magistrate.
  - e. they are ready to abide all the terms and conditions, if any, imposed while releasing him on bail.

- 06.** The prosecution has opposed the application on the grounds that,
- a. if accused released on bail then they will commit similar kind of offence in future.
  - b. accused may abscond.
  - c. accused may induce, threat or promise to the material witnesses.
  - d. the offence is against the woman.

- 07.** The victim has protested the application on the grounds that,
- a. accused No. 1 and 2 always stalks her and threatening her

to take back the case else they will commit her murder.

- b. they may tamper the prosecution evidence.
- c. accused are giving the threat of acid attack on her.

08. Heard both sides at length and gone through the case diary.

09. On perusal of the copy of the charge-sheet it appears that the offence was registered on 05/05/2025 whereas on 06/05/2025 notices under section 35(3) of the BNSS were issued to the accused and resultantly they were not arrested during the entire investigation. Further, it appears that the charge-sheet is filed in the court on 30/01/2026 and it is registered as RCC No. 03/2026 in the court of Judicial Magistrate First Class, Sangrampur. Further, it reveals that no offence against the accused is punishable more than seven years. Whereas, it is settled principle of law that there is no legal bar on the maintainability of anticipatory bail application merely on the ground that charge-sheet had been filed or that the accused had been summonsed post cognizance. In other words the anticipatory bail is maintainable even after filing of the charge-sheet and taking of cognizance, provided the applicant has not been arrested and continuous to apprehend arrest. In this scenario I do not found any legal impediment for grant of anticipatory bail to both the accused. Hence, the following order.

#### **ORDER**

1. The application is allowed.

2. The pre-arrest bail is granted to both the applicants/accused in connection with Crime No. 115/2025, Police Station Sonala.
3. In the event of arrest of both the applicants/accused, shall be released on executing the PR bond of ₹25000/- each and on furnishing the surety in like amount.
4. Both the applicants/accused shall not tamper the prosecution evidence.
5. Both the applicants/accused shall not induce, threat or pressurize to the victim or any witnesses, who are acquainted with the facts of the case either personally or by way of electronic media or through any third person.
6. Both the applicants/accused shall take note that disobeying any condition by them will lead to this court for cancellation of bail.
7. Hamdast is allowed.
8. Copy of charge-sheet be returned to the I.O.

Place: Khamgaon.  
Date: 02/04/2026.

(Laxmikant A. Bidwai)  
Additional Sessions Judge,  
Khamgaon, Dist. Buldana.

Certificate

I affirm that the contents of this PDF file order as correct word to word as per the original order or Judgment.

Name of the Court : Adhoc DJ-1 and ASJ, Khamgaon.  
Name and designation : A. A. Tholbare, Stenographer (Grade-2)  
Direct Typed on : 02/04/2026  
Checked on : 02/04/2026  
Signed on : 02/04/2026  
Uploaded On : 02/04/2026