



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, GONDIA.
Misc. Cri. Bail APPPLN. No.77/2026.
(CNR No.MHGO010004052026)

ORDER BELOW EXH.1

(Passed on this 18th March 2026)

1] Present application is filed by applicant **Kapil s/o Ramprasad Neware** for grant of anticipatory bail in Crime No.86/2026 for the offence punishable under sections 125(a), 281 of the BNS and section 134(A), 134(B) and 184 of the M.V. Act registered with police station Gangazari. It is contended that later on applicant came to know that police has added section 109 of BNS.

Brief facts of the case are as under:

2] As per FIR it reveals that informant Devilal Basulal Sulakhe runs Wielding Shop. His shop is situated on Gondia to Tiroda road behind cement road at Mundipar. He used to go to his shop at 7.30 am and used to return from shop at 8.00 pm. On 21-02-2026 at 7.30 am informant was proceeding by his motorcycle bearing registration No.MH-35-AZ-2652 towards his shop. At that time Bolero vehicle bearing registration No.MH-40-BL-4053 came in high speed and negligent manner and gave dash to his motorcycle and fled away. Due to that he fell down from motorcycle. He sustained injury to his head, right leg and shoulder of left hand. He came to know that said

vehicle was driven by applicant. Applicant drove Bolero pick-up vehicle bearing registration No.MH-40-BL-4053 in rash and negligent manner and gave dash to the motorcycle of informant and caused injury to him. So he lodged report with police station Gangazari. On the basis of his report offence has been registered against applicant under sections as referred above vide Crime No.86/2026 with police station Gangazari. Thereafter, offence under section 109 of BNS has been added.

3] Applicant submits that vehicle bearing registration No.MH-30-BL-4053 involved in the said crime is owned and possessed by Ashish Chouragade. Applicant is neither owner nor driver of said vehicle. There is rivalry in village between applicant and informant as they belong to different political parties. Applicant has reported about Whatsapp status to S.P Gondia. Thereafter informant had threatened him and illegally took custody of his vehicle i.e tractor bearing No.MH-35-G-6763. Applicant has reported matter through his wife. He has been falsely implicated and he has not committed said offence. In case he will be arrested then his reputation will be maligned in the village. Therefore, he requested for grant of anticipatory bail.

4] I.O filed say vide Exh.6 and opposed the application on the ground that applicant has committed serious offence. Prior to said incident applicant assaulted informant and abused him in filthy words so offence has been registered against applicant vide Crime No.37/2026 under section 296, 115 of BNS. He further submits that investigation

in respect of Bolero pick-up vehicle is to be made. Said incident took place due to political rivalry. Applicant hatched criminal conspiracy to kill Sanjay Purushottam Mendhe, Dy. Sarpanch of Gram Panchayat Mundipar and for that he made phone call to Joshilal Chintaman Chachane and told him to call Sanjay Mendhe towards field. Statement of injured Devilal under section 183 of BNSS is to be recorded. In case of release of applicant on bail there is possibility of committing same offence as injured and applicant are resident of same village. Therefore, requested to reject anticipatory bail application.

5] Learned APP Shri Chute filed say vide Exh.07 and opposed the application on the ground that offence is serious. There is prima-facie evidence against applicant. The injured and applicant are resident of same village and there is possibility of repetition of offence. There is political rivalry between applicant and injured. Applicant is not co-operating with investigation agency. As offence is serious and investigation is in progress for detail investigation physical custody of applicant is necessary. Therefore, requested to reject bail application.

6] Informant filed say vide Exh.12 and opposed the application on the ground that applicant intentionally committed accident by dashing vehicle of informant from the short distance of about 25 to 30 mtrs. Said incident has been recorded in CCTV cameras. Applicant tried to give colour to the incident of attempt to commit murder as a road accident. Applicant has taken said four wheeler Bolero on hire from

other person. In case applicant will be released on anticipatory bail, he will tamper evidence and threaten witnesses. One criminal case is pending against applicant before 3rd JMFC Gondia under section 296, 115 of BNS vide Crime No.582/2026 so possibility of repeating similar offence cannot be ruled out. In case applicant will be released on anticipatory bail there is possibility of breach of public peace and tranquility. Therefore, requested to reject bail application.

7] Perused the application, case diary and say of APP, I.O and informant. Heard learned Advocate for applicant and learned APP Chute and Adv. Shamkuwar for informant.

8] It is to be noted that incident is shown to have occurred on 21-02-2026 at about 7.30 am to 7.45 am and report is lodged on same date at about 14.00 hours. Thus, prima-facie it can be gathered that report is lodged after due deliberation. In the report lodged by informant, he has not attributed any ill intention on the part of applicant. Report was lodged in relation to rash and negligent driving of Bolero vehicle by applicant. It seems that there is political rivalry between applicant and informant and prior to this incident report was lodged against the applicant by the wife of informant and offence has been registered against applicant under sections 115 and 296 of BNS. Despite that informant has not made initially any allegation of intention on the part of applicant making an attempt to kill him. I have gone through Medico Legal Certificate of the informant. It appears that applicant has sustained simple injury to his shoulder and

right leg. There is no possibility of aggravation of those injuries. Bolero vehicle which was alledgely used in the crime is already recovered. Nothing is to be recovered by police from applicant. There is nothing on record to suggest that I.O has seized vehicle of informant involved in the crime. Informant in report has mentioned that damage was caused to front handle, meter, tail light, safety cover and body cover of his vehicle in the said incident. But police had neither taken colour photographs of said vehicle nor drawn any panchnama about its condition. While in objection filed by informant he has mentioned that his vehicle broken down into pieces. I.O has not drawn sketch of spot of incident to show exact location of incident. In the panchnama of CCTV footage there is no mention about actual occurrence of incident. It is to be noted that as per General Diary Entry No.007 dated 22-02-2026, 10.44 hours the vehicle Bolero pick bearing registration MH 40-BL-4045 which was left by accused in lane beside Jio Petrol Pump Kudwa was brougth to police station Gangazari for the purposes of RTO inspection. When said vehicle was already brought at police station Gangazari on 22-02-2026 at 10.44 hours then how recovery of said vehicle is shown to have been made from Ashish Chauragade owner of said vehicle on 23-02-2026 at 17.10 hours. May it be so I.O has already recorded statement of informant, Dy Sarpanch and other witnesses. He has also collected document of said Bolero vehicle involved in the said incident and also collected CCTV footage of the vicinity of main gate of Mundipar in a pen-drive. I.O has not pointed out justified reason for custodial interrogation of applicant. In above background and facts of the matter I am

inclined to grant anticipatory bail to applicant. Hence, this order.

ORDER

1. Application for anticipatory bail is allowed.
2. In the event of arrest the applicant **Kapil s/o Ramprasad Neware** be released in Crime No.86/2026 registered with Police Station, Gangazari on his executing PR bond of Rs.20,000/- and furnish one surety of like amount with following conditions;
 - i] The applicant shall not threaten or influence the informant and witnesses.
 - ii] The applicant shall attend concern police station as and when called by I.O and co-operate in investigation.
 - iii] The applicant shall not commit offence of like nature.
3. Inform concern police station accordingly.
4. Accordingly, Application is disposed of.

Date:18-03-2026.

(M. T. Asim)
Additional Sessions Judge,
Gondia.