

MHKO010008562026

**Cri.Bail.Application No.193/2026**



**Order below Exh.1**

Applicants Adesh Sambhaji Dhokare and Sambhaji Banda Dhokare have filed this regular bail application under section 483 of the Bharatiya Nagarik Suraksha Sanhita. They are in judicial custody in pursuance of crime No.55/2026 registered against them at police station, Radhanagari, Dist.Kolhapur on 20-02-2026 under sections 109, 118(1), 351(3), 352 read 3(5) of the Bharatiya Nyaya Sanhita (corresponding to sections 307, 326, 506, 504 read with 34 of the I.P.C.). The grounds for bail are stated in the application.

02. The application is opposed by the prosecution by filing say. According to the prosecution, the applicants injured informant and Madhuri Wadkar with stick. The weapons used by them are seized at their instance. They have criminal background. The informant's hand got fractured due to blow of stick by applicant Aadesh. If the applicants are released on bail there is every possibility of repetition of crime at their instance.

03. Heard learned advocate for the applicant. He submitted that the applicant Sambhaji is acquitted in Crime Nos.69/2008 and 95/2008. There is dispute over the access in the land Gat No.2092 between the family of the applicants and the informant. Learned Tahsildar has passed order in favour of the applicants in the year 2016 but informant is harassing family of the applicants. Applicant Adesh is author of crime no.56/2026. This

crime is registered against informant Prashant Dakre and his son Shivaji. There is cross F.I.R. between the parties. The police have purposely diluted offence against the informant. He placed on record order passed by Tahsildar. He further submitted that investigation is completed. The applicants be released on bail.

04. Learned A.P.P. pointed out the investigation papers and submitted that the applicants participated in the crime with weapons. Informant Prashant sustained fracture injury. The applicants are not entitled to get bail. The informant has filed affidavit in support of the prosecution case and prayed for rejection of the application.

05. Learned advocate for the applicants placed reliance on following case laws-

- i) **Addu Padil @ Adrama Vs. State of Karnataka (AIRONLINE 2019 KAR 1349)**
- ii) **Biro Mandal @ Birendra Mandal Vs. State of Bihar (AIRONLINE 2019 PAT 1974)**
- iii) **Anil Bhimrao Sapate Vs. State of Maharashtra (AIRONLINE 2021 BOM.2782)**

06. In the matter of **Addu (supra)** some quarrel had taken place between two groups and persons of both the groups had sustained injuries. Both the groups filed complaint and counter complaint. Injured was discharged from the hospital and there was no life threat to him. The applicant was granted conditional bail.

07. In the matter of **Biro (supra)** F.I.R. expressed that incident occurred due to land dispute between the parties and counter case was filed by the accused. There were no serious injuries found on head and no repeated blows were given by the

accused. As there were no criminal antecedents against the accused bail was granted.

08. In the matter of **Anil Sapate (supra)** accused persons assaulted informant. Both the victims sustained simple injuries, except grievous injury was fracture of leg. Neither of the victims suffered any life threatening injuries, bail was granted.

09. The instant F.I.R. against the applicants is authored by Prashant Shivaji Dhokare, who alleged against the applicants and one Tanaji Banda Dhokare that on 20-02-2026 at 11-30 a.m. Tanaji Dhokare and he were called in Circle office on the cause of way dispute. Tanaji, Sambhaji (applicant) and Aadesh (applicant) were present there. Tanaji said him that he would not leave him alive and gave blow of sharp weapon on his head. Aadesh hit him on his hand by stick. Sambhaji abused his father Shivaji and sister Madhuri and beat them with stick.

10. Aadesh Dhokare registered Crime No.56/2026 against Prashant Dhokare (informant in the instant crime) and Shivaji Dhokare, wherein he alleged against them that on 20-02-2026 at 11-a.m. he, father Sambhaji and uncle Tanaji had been to Circle office at Rashiwade in response to the notice issued by Circle Officer Rajkumar Kore. Prashant and his father Shivaji were standing outside the circle office. Prashant pounced at them. There was scuffle. Prashant gave blow of sugarcane cutting sickle near his left shoulder and back. Shivaji gave stick blow on his back and torn his clothes.

11. If both the F.I.Rs. are carefully perused, it appears that both the parties were present in the Government premises with

deadly weapons like stick, sickle, iron rod etc. Instead of submitting themselves before the Circle Inspector in pursuance of the notice, there was free fighting between them. Prashant's injury certificate shows that he sustained fracture injury. Injury also sustained on the head of Prashant's father. It was on the vital part of his body. The observations in the matter of **Anil** do not come to aid of the applicants because grievous injury was not caused in that case on the vital part of the victim's body. This is not the situation in the case at hand. The weapons used during the course of commission of the offence are seized at the instance of accused no.1 Tanaji. Investigation is still underway. Looking to the serious nature of the offence, the applicants are not entitled to bail. In the result, following order is passed -

**Order**

Application stands rejected.

( D.V.Kashyap )

Date: 20/03/2026

Additional Sessions Judge, Kolhapur.