

MHKO010010492026



In the Sessions Court, Kolhapur, at Kolhapur

(Presided over by R. V. Utpat, Additional Sessions Judge, Kolhapur)

Anticipatory Bail Appln. No.247/2026

Mangesh Subhash Shinde Applicant-Accused.

Versus

**The State of Maharashtra Opponent.
Through Gandhinagar P. S.**

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Appearance:-

Ld. Adv. Mr. S. R. Shinde, for the Applicant.

Ld. APP Smt. M. B. Patil, for the State

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Order below Exh. 1

1. The applicant is seeking bail in anticipation of his arrest in C. R. No.56/2026 of the Gandhinagar police station registered for the offence punishable under sections 118(2), 190, 191(2), 191(3) of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the FIR lodged by one Ganesh @ Niranjaan Prabhakar Awale stating that, he is residing at Indira Nagar Slum area, Gandhinagar with his grandmother Parubai and his brother Kartik. He is working as a Waiter in a hotel at Pune. On 27/02/2026, he had come to Gandhinagar since he had to attend the court date on 28/02/2026. On 27/02/2026, at about 10.45 a.m, he and his friend were chitchatting near Sumit Pan Shop, near Ganesh Talkies, Gandhinagar. At that time, Tushar Kumathe and

Shubham vaidya came there on a motorcycle and stated to him , 'माझ्याकडे काय बघतोस' and gave him angry look. After five minutes, they both along with Om Narsinghani, Ganesh Shinde, Santosh Vadar and Onkar Barak came there, started attacking with him by Edka. Shubham Vaidya gave blow of Edaka on his left hand, whereas Om Narsinghani gave blow of Edaka on his head. Because of that, he sustained bleeding injury. At that time, people gathered. Therefore, those persons went away. At that time, Mangesh (applicant) threatened the informant that they were ready and he may come any time he wishes. Thereafter, the applicant was taken to the Vasahat hospital at Gandhinagar and after primary treatment, he was taken to CPR hospital. While he was being medically treated, his complaint was recorded.

3. The applicant has contended that he has not committed any offence as alleged, he is not author of the injuries, weapons are recovered by the police and his physical custody is not required for any purpose. Furthermore, there are no specific allegations against him in the FIR, investigation is completed and his custodial interrogation is not necessary. Besides, the accused No. 5 and 6 have been released on bail. He has further contended that, he is permanent resident at the given address, having immovable property and he is ready to co-operate with the investigating machinery and abide by any conditions, that may be imposed.

4. The application is resisted by the State on the grounds that, the offence is grave, clothes of the applicant are required to be seized. So also, the vehicle used by him in the offence is to be seized, blood samples of the applicant are to be collected. Besides, it is also

contended that, the applicant may pressurize the witnesses or abscond or commit similar offence, if released on bail.

5. I have heard the Ld. Advocate Shri. Shinde for the applicant and the Ld. A.P.P Smt. Patil for the State.

6. It is submitted on behalf of the applicant that, the name of the applicant is not mentioned in the FIR in respect of initial assault and his role is limited giving threats. It is also submitted that, the accused No. 5 and 6 are already released on bail and weapons are recovered. So also, the applicant has no criminal antecedents and this is a fit case to grant anticipatory bail.

7. Per contra, it is submitted on behalf of the State that, the FIR clearly mentions the name and role of the applicant and it is clear that, the applicant was present when the informant was attacked. It is also stated that, the vehicle used in the offence and clothes of the applicant are required to be seized, and therefore, his custodial interrogation is necessary.

8. I have given thoughtful consideration to the submissions made on behalf of the parties.

9. It is clear that, the accused No. 2 and 3 have been arrested on 28/02/2026 whereas, the juveniles in conflict with law have been produced before the competent authority. It also appears that, one iron rod and one iron Edaka have been seized. It seems that, in the FIR, the name of the applicant is mistakenly mentioned as 'Ganesh Shinde' at one place. No doubt, in the FIR, there is no

specific allegation that, the applicant gave blow of Edaka or rod to the informant, but it is specifically stated that, all the persons started attacking the informant by means of Edaka. So also, the applicant threatened the informant while the assailants were leaving the spot. It appears that, the informant sustained injuries to his head as well as right shoulder and hand. Material collected prima facie shows the presence of the applicant on the spot of the incident as well as his involvement in the offence. The investigating officer wants to seize the clothes which the applicant was wearing at the time of incident. So also, he wants to seize the vehicle used by the applicant at the time of offence. The investigation is in its primary stage and the offences are cognizable and non bailable. No doubt, the accused no. 2 and 3 have been released on bail by the Ld. Magistrate, but for the reasons discussed above, I am not inclined to grant anticipatory bail, since the custodial interrogation of the applicant would be necessary. The application is therefore liable to be rejected. Hence, I pass the following order:-

Order

1)	Application is rejected.
2)	Since the application is filed online, separate physical copy of this order is not maintained. All concerned to act upon digitally signed copy of this order uploaded online.

Date : 23/3 /2026.

(R. V. Utpat)
Additional Sessions Judge,
Kolhapur.

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

Name of the Stenographer	Mrs.S.R.Tambvekar
Name of Court	Mr. R. V. Utpat Additional Sessions Judge, Kolhapur.
Date of Dictation	23/03/2026
Order signed by the P.O. on	25 /03/2026
Order uploaded on	25/03/2026