

IN THE COURT OF ADDL. SESSIONS JUDGE, SOLAPUR.
(Presided over by Shri.PPRajvaidya)

CRIMINAL BAIL APPLICATION NO.169/2026.
(CNR No.MHSO-0100-0000-2026)

Sandip Shivaji Bandpatte }...**APPLICANT.**

Versus

State of Maharashtra }...**OPPONENT.**

Shri.S.VKulkarni, learned advocate for the applicant.
Shri.G.I.Rampure, learned APP for the opponent.

ORAL ORDER

(Passed on 17/03/2026)

1. This is second application of applicant for grant of anticipatory bail in Crime No.559/2025 registered at P.S. Jail Road Solapur for offences punishable under Sections 109, 118(1), 118(2), 115(2), 189(2), 191(1), 191(2), 190, 352 and 351(2) of Bharatiya Nyaya Sanhita, 2023.

2. Read the application and say. Heard learned advocate Shri.S.V. Kulkarni for the applicant & learned APP Shri.G.I.Rampure for the prosecution. Perused the entire record.

3. Allegations in FIR may be stated in brief as under;

On 05/11/2025 at about 8.00 pm, informant and his cousin brother Kumar Bandpatte had noticed real brother Shivaji of Kumar with Sunil Pujari against whom criminal cases are pending hence, informant and Kumar had scolded Shivaji and Sunil Pujari on which, some dispute had taken place and Sunil Pujari had threatened the informant that time. On 06/11/2025, Appu Bandpatte called the informant and his cousin brothers Sagar and Kumar near Niranjan Kirana Shop in Saibaba Chowk to settle the dispute taken place on 05/11/2025. Dilip @ Abbu Bandpatte, Sandeep Bandpatte (applicant) and Sunil Pujari with others were present when informant reached there with his cousin. Sunil Pujari gave blows of iron rod on the head and left hand of the informant, Sandip Bandpatte

(applicant) assaulted the informant by stick and Dilip @ Abbu assaulted Kumar by stick on his head and hands. Other 3-4 persons present with these accused persons assaulted the informant and his brothers by fist and kicks. The assailants thereafter went away by giving abuses and threats to the informant and his cousin brothers.

4. On the basis of the report lodged as above by the informant, crime for the offences as mentioned above came to be registered against applicant and others at PS Jail Road Solapur.

5. Learned advocate for the applicant argued that applicant is falsely implicated in this false crime and there are no allegations that applicant was present during the incident dated 05/11/2025. He argued that contradictory statements are made by the informant in FIR, in the statement given before police and statement given before JMFC regarding the article allegedly used by the applicant in commission of the offence. He argued that charge-sheet is already filed wherein, seizure of stick is shown to have effected. He argued that in the charge-sheet, applicant is shown as absconding but there is no material to show the efforts taken by investigating officer to search the applicant. He argued that applicant is residing on his given address, applicant is permanent resident of Solapur and applicant is ready to abide by all the conditions imposed by the Court. He argued that the ground mentioned by the APP in reply that recovery of stick has to be effected from the applicant is not sufficient to deny bail. He argued that though first anticipatory bail application of the applicant is rejected, it is not a ground to reject this application. In support of his argument, learned advocate for applicant has placed reliance on the following authorities.

- (i) **Maulana Mohd. Amir Rashadi Vs. State of U.P**
reported in **2012 DGLS (SC) 35,**
- (ii) **Ambadas Kisan Bhagwat Vs. State of Maharashtra**
reported in **2015 ALL MR (Cri) 721,**

- (iii) *Yuvraj Gaud Vs. State of Madhya Pradesh*
reported in *2004 Cri.L.J. 4576*,
- (iv) *Rajni Puruswami Vs. State of Madhya Pradesh*
reported in *2021 ALL MR (Cri) Journal 213*,
- (v) *Balveer Singh Bundela Vs. State of Madhya Pradesh*
reported in *MANU/MP/0830/2020*.

I have gone through those authorities.

6. As against this, learned APP argued that name of the applicant is available in FIR, there are allegations that applicant made assault on the informant and others by stick, applicant is absconding since the day of incident, charge-sheet is filed against other accused persons by showing the applicant as absconding and filing of charge-sheet is not a change in circumstances due to which, application is liable to be rejected.

7. Legal position which emerges from the law laid down in the authorities cited at the bar by learned advocate for the applicant may be stated to be that merely on criminal antecedents, bail cannot be refused. Legal position may also be stated to be that second anticipatory bail application is maintainable even after filing of charge-sheet and application for anticipatory filed by absconder is not barred by law. Keeping in mind the legal position laid down in these authorities, it will have to be seen whether the applicant is entitled for anticipatory bail. Since, admittedly, this is the second application for anticipatory bail, the question for consideration is whether there is sufficient change in the circumstances & whether any new grounds are raised by the applicant?

8. It is not in dispute that charge-sheet is filed against the co-accused persons wherein, applicant is shown as absconding. Apparently, investigation *qua* the applicant is yet to be completed. Though there appears substance in the argument of learned advocate for the applicant that no material is available in the charge-sheet to show the efforts taken by the investigating officer to trace out the applicant, perusal of the case

diary produced by the investigating officer on being called upon by the Court shows that efforts were made to take search of the applicant on his given address. May that it be so, even assuming that applicant is absconder, the anticipatory bail application filed by him cannot be said to be not maintainable on that count as is laid down in the authorities cited at the bar by learned advocate for the applicant.

9. Applicant has placed on record copy of order dated 25/11/2025 passed in his first Anticipatory Bail Application No.1310/2025. Perusal of said order shows that anticipatory bail was denied to the applicant on the ground that stick used by the applicant in commission of the offence is yet to be recovered, custodial interrogation with him is imperative and investigation of the crime can not be completed unless the applicant is interrogated. As mentioned above, though charge-sheet is filed, investigation *qua* the applicant is yet to be completed. As is argued by learned advocate for the applicant, informant has alleged in FIR that applicant had used stick for making assault whereas, in the statement given before learned Magistrate, informant has stated that applicant was having iron rod. As like the informant, the other witnesses also appear to have given contradictory versions regarding use of weapon by applicant. Apparently, there appears substance in the argument of learned advocate for applicant that informant gave different statements as regards use of weapon by the applicant during incident. However said discrepancy shall be a matter for consideration while scrutinizing evidence during trial of the case and it is not necessary to give much of importance to it at this stage because, the statements of the injured eyewitnesses are *prima facie* sufficient for accepting presence of the applicant on spot.

10. As mentioned above, investigation of the crime *qua* the applicant is yet to be completed hence, the argument that there is change in circumstances on account of filing of charge-sheet is not acceptable. As

is observed in the order passed in the first bail application of the applicant, custodial interrogation with him is necessary. Other grounds raised by the applicant are not sufficient to grant him anticipatory bail. As there is no sufficient change in the circumstances, applicant is not entitled for anticipatory bail. Thus, an order.

ORDER

Criminal Bail Application No.169/2026 stands rejected.

Date : 17/03/2026.

(PPRajvaidya)
Addl. Sessions Judge,
SOLAPUR.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment.

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|----------------------------------|---|---------------------------|
| (a) Name of the Stenographer | : | Kurle S.S., Steno Grade 1 |
| (b) Court | : | DJ-2 and ASJ, Solapur. |
| (c) Judgment dictated by P.O. on | : | 17/03/2026 |
| (d) Judgment signed by P.O. | : | 17/03/2026 |
| (e) Digital Signature on | : | 20/03/2026 |
| (e) Judgment uploaded on | : | 20/03/2026 |