

IN THE COURT OF ADDL. SESSIONS JUDGE, SOLAPUR.

(Presided over by Shri.PPRajvaidya)

CRIMINAL BAIL APPLICATION NO.172/2026.

(CNR No.MHSO-0100-0553-2026)

1.Mahadev Balasaheb Bokade,	}
2.Balasaheb Sidram Bokade	}
3.Tanuja Mahadev Bokade,	}... <u>APPLICANTS.</u>
<u>Versus</u>	
State of Maharashtra	}... <u>OPPONENT.</u>

Shri.S.S.Pujari, learned advocate for the applicants.Shri.G.I.Rampure, learned APP for the opponent.
-----**(A)Case Details:**

FIR Number and Date	Crime No.75/2026 dated 22/02/2026
Police Station, District & State	PS.Akkalkot South District Solapur in State of Maharashtra.
Sections invoked	Sections 351(2), 352, 115 (2), 119 (19 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023.
Maximum punishment prescribed	Up to 10 years.

(B)Custody & Procedural compliance:

Date of Arrest	Applicant Nos.1 to 3 – Nil.
Total period of custody undergone	Applicant Nos.1 to 3 – Nil.

(C) Status of Trial:

Stage of proceedings (Investigation/ Charge-sheet/Cognizance/Framing of Charges/Trial)	Investigation.
Total Number of witnesses cited in the charge-sheet	--
Number of prosecution witnesses examined	--

(D)Criminal Antecedents:

FIR Number and Police Station	Applicant Nos.1 to 3 – Nil.
Sections	Applicant Nos.1 to 3 – Nil.
Status (Pending/Acquitted)	Applicant Nos.1 to 3 – Nil.

ORAL ORDER

(Passed on 23/03/2026)

1. This is an application under Section 482 of Bharatiya Nagarik Suraksha Sanhita for grant of anticipatory bail.

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

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

Informant had been to the field on 22/02/2026 at about 2.30 pm for bringing fodder for the cattle. Mahadev Balasaheb Bokade (applicant No.1), Balasaheb Bokade (applicant No.2), Tanuja Bokade (applicant No.3) and brother of Tanuja had been to field Gat No.133/A/2 of the informant. Mahadev Bokade and brother of Tanuja climbed up the tamarind tree in the field of informant and started shaking its branches. Balasaheb Bokade and Tanuja were collecting the tamarind pods. When the informant questioned them about it by saying that said tree belongs to her, Mahadev Bokade climbed down the tree and started abusing the informant by saying that said tree belongs to him. When the informant stated him not to abuse, Mahadev, Tanuja and Balasaheb had fallen her down on ground by assaulting by means of fist and kicks and by raising abuses. Tanuja caught hold the hair of informant and took out her Mangalsutra of one Tola from the neck of informant. Brother of Tanuja gave threat to the informant of being killed. All the assailants thereafter went away as they saw son Mahadeo of the informant coming there by hearing her shouts.

4. On the basis of the report lodged as above, crime for offences mentioned above came to be registered against applicants & one other.

5. Learned advocate for the applicants argued that applicants are falsely implicated in the crime by the informant out of rivalry between the two families. He argued that applicant No.3 has filed a civil suit against son Mahadeo of the informant and others so also, said Mahdeo has also filed a suit against applicant Nos.1 & 2 and both those suits are pending

before the Civil Court at Akkalkot. He argued that temporary injunction is granted by the Civil Court in favour of applicant No.3 in respect of field Gat No.133/2/A whereby, son of informant and others are restrained from creating third party interests in the said field. He argued that though temporary injunction is granted by the Civil Court in respect of field Gat No.133/2/A in respect of Northern 1.14 Hectare area in favour of son of the informant to the effect that applicant Nos.1 & 2 shall not create obstruction into his possession, appeal filed against the said order is still pending. He argued that in fact, family of informant has assaulted the applicants on the day of incident and applicant No.2 has sustained serious injuries due to said assault as can be seen from the photographs produced by the applicants. He argued that applicant No.3 has lodged report against son Mahadev of informant in respect of which, crime No.74/2026 is registered against him under Sections 8 and 12 of the POCSO Act so also, under Section 74, 118(1), 352 and 351 of BNS. He argued that informant has lodged this FIR thereafter just as a counter blow and hence, it is clear that applicants are falsely implicated in this crime. He argued that if applicants are arrested in this false crime, it will malign their image in society and hence, applicants may be enlarged on anticipatory bail.

6. As against this, learned APP argued that though there is rivalry between the families of the informant and applicants, it is not sufficient to conclude that applicants are falsely implicated. He argued that informant has alleged that applicant No.3 has taken out gold Mangalsutra of the informant during incident, there are allegations that all the applicants assaulted the informant and custody of the applicants is essential for recovery of the gold Mangalsutra. He argued that if enlarged on anticipatory bail, it will not be possible for investigating officer to effect recovery & complete the investigation properly due to which, application is liable to be rejected.

7. In the synopsis, applicants have informed that they do not have criminal antecedents. Prosecution has not denied the said contention of the applicants.

8. Perusal of the copies of orders passed by Civil Court shows that the family of informant and family of applicants are litigating against each other in respect of field Gat No.133/2/A situated at village Ibrahimpur, Taluka Akkalkot. Copy of order passed below Exh.5 in RCS No.109/2025 shows that family of informant is restrained from creating third party interests in the said property pending final decision of the suit. Likewise, copy of said order also shows that the family of applicants is restrained by way of temporary injunction from causing interference into the possession of the family of informant over the said suit. Copy of order below Exh.5 passed in RCS No.106/2025 shows that family of applicants is restrained from interfering or obstructing into the possession of family of informant in respect of the suit property therein till final decision of said suit. Apparently, these two families are not on good terms with each other. Again, copy of FIR filed by the applicant No.3 shows that Crime No.74/2026 is registered against son Mahadev Bablad of the informant for offences under POCSO Act and BNS, 2023. Applicants have placed on record coloured xerox copies of photographs to show that the applicant No.2 has sustained various injuries.

9. Having gone through the copy of FIR of the present crime, it appears that allegations against applicant Nos.1 and 2 are about making of assault by them on the informant by fists and kicks and about raising of abuses at her. Allegation against applicant No.3 is that she took out Mangalsutra of 10 gms from the neck of informant. Investigating officer and learned APP have submitted that custodial interrogation with the applicants is essential for recovery of said Mangalsutra. Though there are

civil disputes pending between the families of the applicants and the informant, material produced on record by applicants themselves shows that family of the applicants is restrained by Civil Court from obstructing and interfering into the possession of the family of informant over field Gat No.133/2/A. Incident is alleged to have taken place in said field. Though it appears that this FIR is registered after registration of FIR against the son of informant on the basis of report lodged by applicant No.3, it is not sufficient at this stage for accepting that applicants are falsely implicated in this crime.

10. Having regards to the nature of allegations available against applicant No.3, her custody appears essential with the police for recovery purposes hence, she is not entitled for anticipatory bail. So far as applicant Nos.1 & 2 are concerned, it does not appear that anything has to be seized from them. Prosecution has not alleged that applicants are having criminal past. Considering the nature of allegations available against applicant Nos.1 and 2 in the FIR, this Court is of the opinion that they are entitled for anticipatory bail. Thus, for all these reasons, holding that application deserves to be allowed partly as above, I pass the following order.

ORDER

(a) Criminal Bail Application No.172/2026 is allowed for applicants No.1 and 2 only.

(b) In the event of arrest in Crime No.75/2026 registered at P.S. Akkalkot South for offences punishable under Sections 115 (2), 119 (1), 351 (2), 352 rws 3 (5) of Bharatiya Nyaya Sanhita, 2023, applicant No.1 Mahadev Balasaheb Bokade and applicant No.2 Balasaheb Sidram Bokade and be released on bail on their executing PR bonds in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

(c) Applicants No.1 and 2 shall not tamper with the prosecution evidence in any manner.

(d) Applicants No.1 and 2 shall make themselves available for interrogation purposes as and when required by the Investigating

Officer.

(e) Applicants No.1 and 2 shall attend P.S. Akkalkot South, Solapur on every Sunday for a period of two months from today in between 11.00 am to 1.00 pm and they shall co-operate the investigating officer in investigation of the crime.

(f) Applicants No.1 and 2 shall not directly or indirectly make any inducement, threat or promise to the informant or any person acquainted with the facts of the case so as to dissuade him from disclosing the facts of the case to the Court or to the police officers.

(g) Applicants No.1 and 2 shall submit copies of their Aadhar Cards or PAN Cards or Driving Licenses to the Investigating Officer. They shall also furnish their mobile numbers for contact to the investigating officer. They shall intimate about the change, if any, in their residential addresses and mobile numbers to the investigating officer.

(h) Applicants No.1 and 2 shall not leave India without prior permission of the Court.

(i) Bail application stands rejected for applicant No.3 Tanuja Mahadev Bokade.

Date : 23/03/2026.

(P.P.Rajvaidya)
Addl. Sessions Judge,
SOLAPUR.