

MHST170000842026



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE VADUJ, TALUKA
KHATAV, DISTRICT SATARA.**

Bail Application No: 19/2026

Girish Namdeo Bhosale +1 : Applicants

Vs.

**State of Maharashtra
Through Dahiwadi police station : Non-applicant**

ORDER BELOW EXH.1

Case Details-

FIR Number and Date	: 06/2026, 11/01/2026
Police Station, District and State	: Dahiwadi PS, District Satara, Maharashtra.
Sections Invoked	: A] Section 4 r/w 25 of the Arms Act, B] Sections 109(1), 119(2), 3(5), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita
Maximum Punishment prescribed	: Life imprisonment
Custody and Procedural Compliance	: --
Date of arrest	: Not arrested.
Total Period of Custody undergone	: Nil

Status of Trial	
State of Proceedings	: Investigation
Total number of witnesses cited in the Chargesheet	: Not filed.
Number of prosecution witnesses examined	: Nil
Criminal Antecedents- FIR No. & Police Station Sections Status:	: 1. Dahiwadi PS Crime No. 187/2022 : -Sections 307, 365, 342, 143, 147, 148, 149, 323, 324 of the Indian Penal Code. : Trial Pending.
Previous Bail Applications Court- Case No.- Outcome of case-	: Nil
Coercive Procedures 1] Whether any non-bailable warrant was issued? 2] Whether declared a proclaimed offender?	: No. : No.

The prosecution's case in brief.

2. The Informant resides with his parents and owns a shop. The shop of the Applicant family is situated adjacent to the Informant's shop, and there are pre-existing disputes between the families.

3. On 10/01/2026, at approximately 10:00 a.m., the Informant, his brother, and his father were carrying out repairs on the road to

increase its height for accessibility. At that time, Applicant Namdev arrived at the spot, verbally abused the Informant, his brother, and his father, and prevented them from continuing the road repair work.

4. Applicant Girish Bhosale was allegedly carrying a sword, and Applicant Namdev was carrying a stick. When Applicant Girish Bhosale attempted to assault the Informant's father with the sword, the Informant intervened and pushed him. Subsequently, Applicant Namdev allegedly beat the Informant with the stick he was carrying, causing the Complainant to fall, and his neck chain was removed in the process. Applicant Girish Bhosale then allegedly injured the Complainant by hitting him on the head with the sword in his hand, while stating that he would not leave him alive.

5. The Complainant screamed as blood started flowing from his head, prompting nearby people to rush to the spot and intervene, stopping the fight. The Applicants then left the place while uttering curses. The Complainant was provided primary medical treatment at a hospital in Dahiwadi and subsequently referred for further treatment. The above-mentioned case was registered against the Applicants on the Complainant's complaint regarding this incident. The applicants apprehend being arrested for the said crime and have filed the present anticipatory bail application for the following reasons.

1. The Applicant has not committed any crime as alleged in the complaint and has no connection with the criminal activities.
2. There is no need for a custodial interrogation of the Applicants, as there is nothing to recover.
3. The Applicants are respected citizens of their village, and their reputation will be tarnished if they are arrested for these crimes.

4. The Applicants are the breadwinners for their families, and their livelihood depends on them. If they are arrested, their family will face starvation.
5. Applicant No. 2 is an aged person and has no connection with the said crime.
6. The Complainant and his family were illegally encroaching by constructing a road in the area under the Applicant's ownership. While Applicant No.2 was explaining this to them, the Complainant and his family members assaulted him. The Complainant, Aniket, brought a knife and hit Applicant No.2 on the head. When Applicant No. 1 went to the said place to intervene, he pulled the Complainant aside, and at that time, the Complainant slipped and fell on the road, sustaining injuries.
7. The Complainant's brother, Sanjay, has removed the one-and-a-half tola gold chain from the neck of Applicant No. 2.
8. When Applicant No. 2 went to the Dahiwadi Police Station to file a complaint about the incident, the police sent him to the Dahiwadi Government Hospital for examination. The police have registered the case against the Applicants due to political pressure.
9. Since the Applicants were prevented from filing a complaint at the police station, he has filed a complaint online and by registered post with the Dahiwadi Police Station, as well as with his superiors.
10. There has been a delay of about 32 hours in filing the complaint, which clearly shows that the Complainant has deliberately implicated the Applicants in a false crime.
11. The incident appears to have taken place in front of the Applicants' house on the main road in Phaltan city, where there are other shops and a lot of traffic, and CCTV cameras are installed in the shops. Upon examination of

the camera footage, it will be revealed that the incident is prima facie false.

12. The Complainant injured Applicant No. 2 by beating him with a sharp instrument and is currently undergoing treatment. Applicant No. 1 has also been beaten up and will not be able to receive proper medical treatment if he is arrested.
13. The Applicants are willing to abide by the court's terms and conditions and cooperate with the investigation.

For these and all other reasons, the Applicants have requested that the anticipatory bail application be granted.

6. The investigating officer has filed his reply at Exhibit 4 and has opposed the application on the following grounds:

1. The crime in question is of a serious nature.
2. The Applicants have been missing since the crime was committed.
3. A case No. 187/2022 has been registered against the applicants of this matter under the above-mentioned sections at Dahiwadi Police Station.
4. The sword and stick used in the crime are yet to be seized from the Applicants.
5. The motorcycle used by the Applicants in committing the crime is to be confiscated.
6. The Applicants have removed the gold chain from the Complainant's neck and want to seize it.
7. The clothes the Applicant wore at the time of the crime are to be confiscated.
8. The investigation aims to determine where the Applicants were staying at the time of the crime.

9. If the Applicants are granted anticipatory bail, there is a possibility of a serious crime being committed again between them and the Complainant and the witness.

For these and all other reasons, the investigating officer has sought rejection of the anticipatory bail application.

7. The learned Additional Public Prosecutor filed a pursis at Exhibit 5 and adopted the reply filed by the investigating officer.

8. The original Complainant has submitted a statement at Exhibit 8 and has objected to the application on the following grounds:

1. There is a pre-existing dispute between the Complainant and the Applicants over the road that passes in front of the shop. As a result, the Applicants repeatedly harass the Complainant and create obstacles for customers.
2. Before this incident, a charge sheet was filed against the Applicant under Section 307 of the Indian Penal Code for attempting to kill Rupesh Tukaram Bhosale, in which both Applicants are accused (Session Case No. 16/2023 in Vaduz court).
3. The Applicants are financially and politically powerful, and their hooliganism has increased. They attempted to kill the Complainant hitting him on the head with a deadly weapon on 10/01/2026 at around 10:00 a.m.
4. The fact that the Applicant is out on bail in Criminal Case No. 187/2022 and has committed the similar crime again shows a lack of respect for the law.
5. The Applicant is absconding after committing the crime, and there is a possibility that they may have destroyed the weapons.
6. The Applicants struck the injured person on the head, indicating an intention to cause injury.

The original Complainant has sought the rejection of the anticipatory bail application.

9. After hearing the bail application and documents, as well as the arguments of the Complainant, the available documents, and the arguments of all the counsels, the following issues arise for consideration:

Sr. No.	Points	Findings
(i)	Are the Applicants eligible for ... anticipatory bail?	In the negative.
(ii)	What order? ...	The application is rejected as per final order.

REASONS

As to point Nos. 1 and 2:

10. At the outset, the allegations made in the FIR disclose that the Applicants allegedly assaulted the complainant with a deadly weapon, such as a sword and caused injuries to his head, which is a vital part of the body. The offence alleged is therefore serious in nature. When allegations disclose the use of deadly weapons and assault on vital parts of the body, the matter deserves scrutiny while considering the extraordinary relief of anticipatory bail.

11. The record further indicates that there was a long-standing dispute between the Applicants' and the Informant's families regarding the road in front of their shops. The circumstances prima facie indicate that the incident may have occurred in the backdrop of this prolonged dispute. In such a situation, the possibility that the incident was not sudden but may have been premeditated cannot be ruled out at this stage.

12. The Investigating Officer has specifically stated that the sword and stick used in the offence, the motorcycle used by the Applicants, the clothes worn at the time of the incident, and the gold chain allegedly removed from the Informant are yet to be seized. Recovery of these articles is an important part of the investigation. For effecting such recoveries and for proper interrogation, the Applicants' presence in police custody may be necessary. Grant of anticipatory bail at this stage may hamper the recovery of the material objects connected with the offence.

13. Indeed, the prosecution has not placed on record any material showing the Applicants' conviction in previous cases. However, the record shows that Crime No. 187/2022, registered with Dahiwadi Police Station for serious offences, including Section 307 of the Indian Penal Code, is pending against them. Although the presumption of innocence continues, the existence of such serious allegations is a relevant factor while assessing the propensity and conduct of the Applicants in an application for anticipatory bail.

14. The Applicants had sought a direction for the production of CCTV footage from the cameras installed near the place of occurrence. However, the Investigating Officer has stated in the reply that no such CCTV footage is available. At this stage, therefore, the Court cannot rely on any such material to discredit the prosecution's case.

15. It is also noteworthy that the Applicants have not disclosed in the present application the previous criminal case registered against them. Non-disclosure of such material facts raises doubt as to whether the Applicants have approached the Court with clean hands, which is a relevant consideration when granting discretionary relief under Section 438 of the Code.

16. Both the Applicants and the Informant have produced photographs of injuries allegedly sustained in the incident. From the material on record, it prima facie appears that a quarrel and physical assault did occur at the spot. The medical documents on record indicate injuries to vital organs. The seriousness of the injuries alleged in the FIR also supports the prosecution's case at this stage.

17. The Applicants have contended that Applicant No.2 is about 55 years of age. However, considering the serious nature of the allegations and the manner in which the assault is alleged to have been carried out, age alone cannot be a ground to extend the extraordinary protection of anticipatory bail.

18. The investigation of the case is still at a preliminary stage. If the Applicants are granted anticipatory bail at this stage, it may adversely affect the investigation, particularly in relation to the recovery of weapons and other articles connected with the offence.

19. It is also evident from the record that both parties run shops adjacent to each other and are engaged in business in the same locality. In such circumstances, if the Applicants are granted anticipatory bail, there is a reasonable apprehension that they may exert pressure upon the Informant and other witnesses, thereby affecting the fair course of investigation.

20. As far as the delay caused in lodging the FIR is concerned, considering the nature and gravity of the injuries sustained by the complainant, he was under medical treatment and hence prima facie the delay is explained. Moreover, this delay is not sufficient to raise a prima facie doubt about the prosecution's case.

21. Learned Advocate for the applicants relied upon the judgment in the case *Ambadas Kisan Bhagwat & Anr. Vs State of Maharashtra* reported in *2014 Gojuris (Bom) 1488*. In the matter before the Honourable Lordship the offence of attempt to commit murder was registered against the accused. However, the blow was not given on the vital part of the body. The injury certificate did not disclose that the injuries, if not treated, were sufficient to cause death. In the circumstances, Honourable High court granted prearrest bail to those accused.

22. In the present matter, the blow of the sword was allegedly given on the head which is a vital part of the body. The medical papers also confirm the head injury. In the circumstances, considering the gravity of the offence and the nature of injuries caused, I am not inclined to grant prearrest bail to these applicants. With all respect to the judgment above, I state that it does not apply to the present matter as the facts are different.

23. Learned Advocate for the applicants relied upon the judgment in the case of *Prabhakar Tewari Vs state of U.P. and Anr.* reported in *2020 ALL SCR (Cri) 638*. It is held that the gravity of the offence and pendency of several other criminal cases can not be the basis for refusal of bail. It is to be noted that in the present matter the offence is grave and other criminal cases are pending before the court. However this is not the reason for which the bail application is rejected. It is rejected because the weapons and vehicle are to be recovered and the nature of the offence and stage of investigation requires custodial interrogation of the applicants.

24. Considering the gravity of the allegations, the stage of investigation, the requirement of custodial interrogation for recovery of

material objects, the antecedents of the Applicants, and the possibility of influencing witnesses, I conclude that the Applicants have not made out a case for granting anticipatory bail. Accordingly, Point No.1 is answered in the negative and I pass the following order for Point No.2:

ORDER

1. Anticipatory bail application is rejected
2. Inform the concerned police station accordingly.

Date:11/03/2026

(Vidyadhar B.Kakatkar)
Additional Sessions Judge,
Vaduj