

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1652 OF 2026

Lakhan Mohan Waswani @ Patil ...Applicant

V/s.

State Of Maharashtra ...Respondent

Mr. D. S. Pagare, for the Applicant.

Mr. Bapu Holambe Patil, APP for the Respondent – State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 10TH JULY, 2026.

P.C. :-

1. Heard learned advocate Mr. D. S. Pagare for the applicant, as well as advocate Mr. Bapu Holambe Patil learned APP for the State.

2. The applicant has filed the instant application under section 482 of Bharatiya Nagarik Suraksha Sanhita for seeking pre-arrest bail in Crime No. 54 of 2026 registered with Ulhasnagar Police Station, for the offence punishable under

Sections 109, 352, 351(2), 55 & 3(5) of Bharatiya Nyaya Sanhita, 2023 read with Section 4 & 25 of Arms Act, 1959 read with Sections 37(1) & 135 of the Maharashtra Police Act, 1951.

3. The gist of prosecution case is that on 6th February, 2026 at about 00.45 hours near the building of R. K. Pandey, when the complainant had gone to drop his cousin brother Mr. Amit at his house, at that time the present applicant along with Mr. Prabhuraj alias Bapu Patil, Roopraj Patil & Santoshi Raja Patil had attacked the applicant on account of their previous fight, and assaulted the complainant by sword on his left hand and cut his fingers of hand. It is alleged in the FIR that Prabhuraj had assaulted the complainant by means of sword and caused grievous injury. At that time, Roopraj also assaulted Amit by means of sword and grievously injured him. On the basis of these allegations, the FIR came to be registered against this applicant along with the three accused-persons.

4. Learned counsel for the applicant submitted that the applicant is a student and has been falsely implicated in the instant offence and has prayed for pre-arrest bail mainly on

account of a permission for appearing in the examinations. It is pointed out that on earlier occasions permission was granted to the applicant for the purpose of attending to his examinations, however, the application came to be rejected by the Sessions Court.

5. Learned APP for the respondent at the outset pointed out that the instant application deserves to be rejected on account of suppression of material facts, as the applicant has failed to disclose the criminal antecedents which is mandated by the judgment of *Hon'ble Supreme Court in the matter of Zeba Khan Vs. State of U.P.*, reported at *2026 SCC Online SC 188*. Apart from this, learned APP also points out that the applicant has suppressed the earlier order passed by this Court in his anticipatory bail application vide ABA No. 1192 of 2026 which was withdrawn by the applicant on 5th May, 2026. It is submitted that on account of suppression of these material facts the application deserves to be rejected.

6. On being confronted about the earlier order passed by this Court in ABA No. 1192 of 2026 dated 5th May, 2026,

learned counsel for the applicant states that the same is not disclosed in the instant application, since the applicant has not given him instructions in that regard. As regards the earlier criminal antecedents he states that although the same were revealed during pendency of the application before the Sessions Court, the same are not mentioned in the application inadvertently. Thus, it is clear that despite there being criminal antecedents against the applicant in the nature of similar bodily offences, the same are not disclosed in the instant application. It is thus clear that the applicant has suppressed the criminal antecedents and in view of the position of law as laid down by the Judgment of Hon'ble Supreme Court in the matter of ***Zeba Khan*** (referred supra) the instant application need not be entertained.

It is also crucial to note that the applicant has earlier filed an anticipatory bail application before this Court vide ABA No. 1192 of 2026 which was heard by this Court and when the Court was not inclined, the applicant has withdrawn it as recorded in order dated 5th May, 2026. The applicant has not

disclosed this order in the instant application. As such, on account of suppression of material facts the instant application for anticipatory bail needs to be rejected.

7. Perusal of order passed by the Sessions Court reveals that the applicant has filed repeated anticipatory bail applications and the application filed before the Sessions Court vide ABA No. 1078 of 2026 was the forth application which was rejected by order dated 10th June, 2026. Thereafter, the applicant has approached this Court by filing ABA No. 1192 of 2026 which came to be withdrawn on 5th May, 2026 and without there being any change in circumstances, has filed the instant application on 19th June, 2026. As such, the instant application without any change in circumstances and by suppressing material facts, deserves to be rejected on this count alone.

8. In view of the above, Anticipatory Bail Application is rejected.

(PRAFULLA S. KHUBALKAR, J.)