

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

**Anticipatory Bail Application No.1552 of 2024**

Kailas Ramharak Yadav .... Applicant.

Vs.

State of Maharashtra  
(at the instance of RCF Police Station) .... Respondent.

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Mr Keshav S. Chavan for the applicant.

Ms Mahalaxmi Ganapathy, APP for the respondent/State.

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**Coram : R.N. Laddha, J.**

**Date : 12 June 2024.**

**P.C.:**

Heard Mr Keshav Chavan, learned Counsel for the applicant and Ms Mahalaxmi Ganapathy, learned Additional Public Prosecutor for the State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.152 of 2020 registered with RCF Police Station, Mumbai, for the offences punishable under Sections 302, 307, 326, 143, 144, 147, 148, 149, 506(2) r/w 34 of the IPC and Sections 4 and 27 of the Arms Act and Sections 37(1) and 135 of the Maharashtra Police Act.

3. Earlier, the applicant sought anticipatory bail from this Court, however, the Court dismissed the application by an order dated 15 March 2021 observing that the accused was instrumental in assaulting several persons and was armed with weapon. Consequently, the Court found no grounds for granting anticipatory bail and deemed custodial interrogation necessary.

4. The allegations against the applicant stem from an incident where Pralhad Panvalkar was teased by the co-accused Ashish Yadav and Atul Gupta. Prashant had altercation with them, leading to a complaint being filed at the police station. As a result of this complaint, Ashish Yadav, Rajesh Yadav, Atul Gupta and their associates developed animosity towards Prashant Panvalkar and they formed a group and harassed the public.

5. Further, it is the case of the prosecution that on 5 May 2020, Paresh Shigwan approached the complainant and informed him that Prashant had been attacked by a group of 8-10 individuals wielding weapons. The complainant went to the scene of incident and discovered Prashant lying injured. The accused were using various weapons, including swords, iron rods, wooden bats, sickles, and wooden stumps, to

assault him. While attempting to protect his brother, the victim, the complainant was assaulted with a bat and iron rod to his head. Pravin, the complainant's brother was similarly attacked. When the complainant tried to flee from the scene, the assailants chased him, brandishing their weapons and creating a sense of terror amongst the public.

6. Learned Counsel for the applicant argues that the applicant has no criminal antecedents and has been assigned a specific role. Learned Counsel contends that the alleged incident did not occur. Given the applicant's willingness to cooperate with the investigation, anticipatory bail may be granted. Additionally, the co-accused have already been released on regular bail, and the alleged weapons used in the crime have been recovered.

7. Learned APP appearing for the respondent/State submits that the investigation is in progress, and the weapon used in the crime by the applicant has not yet been recovered. The learned APP contends that it is taking the applicant into custody is essential for further investigation. Eyewitness statements clearly indicate the applicant's involvement in the crime. According to the learned APP, intention to commit the offence is evident from the available material on record.

8. This Court has appreciated the rival contentions and perused the material placed on record.

9. Upon perusal of the records, it reveals that an FIR was filed on 5 May 2020. The applicant has been named in the FIR. It appears that all the assailants were armed and actively participated in assaulting several persons. Even after the attack, they continued to instill fear in the locality and threatened members of the public. While the co-accused have been granted bail due to long incarceration, chargesheet filing is still pending for the applicant. The weapon used by the applicant in the crime is yet to be recovered. There are eyewitnesses to the incident, and the investigation *qua* the applicant is still underway. Considering the nature of incident, the learned APP rightly argues that this is not a fit case for granting anticipatory bail. Custodial interrogation of the applicant appears necessary for further investigation.

10. In view of the above, the application stands rejected.

[ R. N. Laddha, J. ]