

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

Anticipatory Bail Application No. 2107 of 2024

1. Vishram Gopichand Madhavi
Age 54 years, Occupation – Retired,
Mobile No. 9892586588

2. Sandhya Vishram Madhavi
Age 48 years, Occupation – Business,
Mobile No. 9892220199

3. Jay Vishram Madhavi
Age 23 years, Occupation – Student,
Mobile No. 9004571200
All residing at House No.571,
First Floor, Gopichand Smruti,
Chinchali, Ghansoli Village,
Navi Mumbai.

...Applicants

Vs.

The State of Maharashtra
(At the instance of Rabale Police Station,
Navi Mumbai, Vide C.R. No.255 of 2024)

...Respondent

Mr Rohit D Joshi, for the Applicant.
Mr MG Patil, APP for the Respondent – State.
API MD Bhosale, Rabale Police Station, Navi Mumbai, is present.

**Coram: R. N. Laddha, J.
Date: 3 September 2024**

P.C.

I heard Mr Rohit Joshi, the learned Counsel for the applicants,
and Mr MG Patil, the learned Additional Public Prosecutor,
representing the respondent/State.

2. This is an application for pre-arrest bail filed by the applicants,

apprehending arrest in C.R. No.255 of 2024, registered at Rabale Police Station, Navi Mumbai, for offences punishable under Sections 326, 504 and 506 read with 34 of the Indian Penal Code.

3. The applicants sought anticipatory bail from the Sessions Court. However, it was denied by an order dated 2 July 2024. The Sessions Court found that the ongoing investigation warranted the applicants' custodial interrogation as the weapons allegedly used in the crime are yet to be recovered.

4. Mr Rohit Joshi, the learned Counsel appearing on behalf of the applicants, asserts that the applicants are innocent and have been falsely implicated in the crime. The applicants have no criminal antecedents. There was a dispute regarding the ancestral property of the applicants and the informant. The informant trespassed on the applicants' property, and there was scuffling in which the informant also sustained injury. The applicants are willing to cooperate with the investigation.

5. Mr MG Patil, the learned APP, submits that the applicants, in furtherance of their common intention, assaulted the informant, his father and sister using the iron rod and knife. Two individuals have suffered grievous injuries. The investigation is at the nascent stage, and the weapons used in the crime have not yet been recovered. The statements of the eyewitnesses clearly suggest the applicants' involvement in the crime.

6. The legal principle is well established that the grant of

anticipatory bail demands a thoughtful and judicious exercise of discretion by the Court, tailored to the unique facts of each case. When invoking this power, the Court must tread with caution, acknowledging that granting protection in serious cases may inadvertently compromise justice or impede the investigation by enabling evidence tampering or destruction.

7. In the present case, upon perusing the record, it appears that the alleged weapons, knife and iron rod used by the applicants have not yet been recovered. There are eyewitnesses to the incident, and the investigation is in progress. Furthermore, there appears to be an intention to commit the crime. In the incident, two persons suffered grievous injuries. Considering the seriousness of the allegations, the conduct of the applicants/accused, and the nascent stage of the investigation, the argument against granting pre-arrest bail, as presented by the learned APP, is well founded. Release of the applicants on pre-arrest bail would jeopardise the course of effective investigation. Thus, custodial interrogation of the applicants is warranted to facilitate further investigation. I am, therefore, not inclined to exercise the discretion in favour of the applicants. Hence, the following order.

ORDER

The application stands rejected.

8. It is clarified that these *prima facie* observations are confined to determining entitlement to pre-arrest bail.

[R. N. Laddha, J.]