

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

Anticipatory Bail Application No.2697 of 2024

Rohan Sanjay Jadhav
Aged About 22 years,
Occupation – Service,
Add – Vadol Gaon, O.T. Section,
Near St. Joseph School,
Ulhasnagar – 3, Dist. Thane ... Applicant

v/s.

State of Maharashtra
Through P.I. of Ambernath Police Station... Respondent

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Mr Kumar Ghind, a/w. Mr Ankesh Thakur and Mr Kiran Jadhav, for the Applicant.

Ms Supriya Kak, APP, for Respondent State.

Mr Sarang Aradhye, a/w. Ms Gauri Velankar and Mr Shantanu Gurav, for the Intervenor.

API Shrirang Gosavi, Ambernath Police Station, is present.

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Coram : R.N. Laddha, J.

Date : 1 October 2024

P.C. :

Heard Mr Kumar Ghind, the learned Counsel for the applicant; Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent/State and Mr Sarang Aradhye; and the learned Counsel appearing for the first informant.

2. This is an application for pre-arrest bail filed by the applicant apprehending arrest in CR No.1163 of 2024, registered with Ambarnath Police Station, Thane, for the offences punishable under Sections 118(2) and 109 of the Bharatiya Nyay Sanhita, 2023 (BNS).

3. The prosecution contends that on the night of 11 August 2024, at approximately 10:00 p.m., the informant, Saurav Mhatre, was on his way home carrying a parcel of food. It is alleged that the applicant, harboring a grudge due to prior animosity, attacked the informant with a knife, striking him on the shoulder and inflicting injuries. The prosecution further asserts that this assault was premeditated, with an intent to cause bodily harm to the informant.

4. Mr Kumar Ghind, the learned Counsel for the applicant, asserts applicant's innocence and contends that the applicant has been falsely implicated in this crime. It is highlighted that the applicant has no criminal antecedents, underscoring his law abiding nature. The investigation is nearing completion, and the injuries sustained by the informant are not of a serious nature. It is submitted that the applicant is willing to cooperate with the ongoing

investigation.

5. Ms Supriya Kak, the learned APP for respondent/State, opposed the prayer for pre-arrest bail. It is submitted that the applicant wielding a knife, intentionally attacked the informant. The choice of the weapon and the manner of the assault clearly demonstrates the applicant's malicious intent.

6. After considering the submissions of the rival parties and upon perusing the records, it appears that there is a direct motive for the applicant to assault the informant due to previous enmity. The fact that the applicant used a knife to inflict injury on the informant underscores the gravity of the offence. The applicant aimed to strike the informant's neck, but the informant managed to protect himself, resulting in the knife becoming embedded in his shoulder. The handle of the knife remained in the applicant's hand and has yet to be recovered. During medical treatment at the hospital, the knife was surgically removed from the informant's shoulder. There are eyewitnesses to the incident who have implicated the applicant in the present crime. The investigation is at a nascent stage. It is a well established principle in law that anticipatory bail is an extraordinary remedy, and the Court

must exercise caution when considering its discretion. The allegations against the applicant are serious, and granting pre-arrest bail in such cases may impede the ongoing investigation.

7. In light of the facts and circumstances of the case, the gravity of the offence, the nascent stage of the investigation, and the material placed on record, this Court is not inclined to exercise its discretion in favour of the applicant. Resultantly, the application stands rejected.

[R.N. Laddha, J.]