

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

Anticipatory Bail Application No.3283 of 2024

Premnath alias Sachin Bhilu Rathod
Age-40 years, Occu-Labour,
At present R/at-Room No.1,
Kulswamini Chawl, Near Shree
Shiv Ganesh Mandir, BR Nagar,
Tata Power Line Road, Diva (east)
Thane-400 612.

... Applicant

Versus

The State of Maharashtra
(through Manpada Police Station,
Thane, vide CR No.I-219/2021)

... Respondent.

Mr Pramod S Kumbhar a/w Salim Shaikh, for the applicant.
Mr MG Patil, APP, for the respondent/ State.

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

P.C.:

Heard Mr Pramod Kumbhar, the learned Counsel appearing on behalf of the applicant and Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.219 of 2021, registered at Manpada

Police Station, Thane, for offences punishable under Sections 367, 323, 324, 143, 147, 149, 504 and 506 of the Indian Penal Code 1860.

3. The prosecution alleges that on the day of incident, all the accused individuals, including the applicant, were involved in the abduction of the informant's father. They are alleged to have severely assaulted him, and when the informant's brother tried to intervene and save their father, he was also assaulted. The informant was dragged over a considerable distance during the course of the incident. Based on these allegations, an FIR came to be registered.

4. The learned Counsel appearing on behalf of the applicant, submits that the applicant is not named in the FIR and has been falsely implicated in the present case. The learned Counsel points out a delay in lodging the FIR and submits that nothing is to be recovered or discovered from the applicant, with the investigation nearing completion. The applicant has no criminal antecedents. The co-accused have been arrested and released on bail. The applicant is willing to cooperate with the investigation.

5. On the other hand, the learned Additional Public Prosecutor representing the respondent/State submits that CCTV footage shows the applicant assaulting the informant

with an iron rod, and the car used in the incident belongs to the applicant. While the Sessions Court denied the applicant's pre-arrest bail applications in January 2023, the applicant filed this application in November 2024, with no explanation for the delay. The investigation is still in progress, and the weapon used in the crime has not yet been recovered.

6. Upon perusing the records, it appears that the applicant is accused of assaulting the informant with an iron rod. The weapon allegedly used by the applicant in the assault has not yet been recovered. The incident was captured on CCTV. The car that was reportedly used during the incident belongs to the applicant. Although the alleged incident occurred in May 2021, the applicant did not file an anticipatory bail application with the Sessions Court until 2022. The Sessions Court subsequently rejected the applicant's anticipatory bail plea in January 2023. However, the applicant chose to file the present application only in November 2024, and during this period, he was absconding. The applicant has failed to provide any satisfactory explanation for the significant delay in seeking relief.

7. In view of the above, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R.N. Laddha, J.]