

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

Anticipatory Bail Application No.3327 of 2024

Pranav @ Pranav Kumar Dayanand Jha

Age-38 years, Occ. - Labour,

Residing at - Chawl No.2/8,

Jai Mata Di Chawl, Ganesh Nagar,

Maharal Gaon, Kalyan, Taluka- Kalyan,

Dist-Thane, Thane - 421 301

... Applicant

Versus

The State of Maharashtra

through Kalyan Taluka Police Station

... Respondent

Mr DS Pagare, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

HC, PD Badye, Kalyan Police Station, is present.

Coram: R.N. Laddha, J.

Date: 10 December 2024.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.582 of 2024, registered at Kalyan Taluka Police Station, for offences punishable under Sections 118(2), 115(2) read with 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 2 November 2024, at about 21:30 hrs, the applicant, along with the co-accused, in

furtherance of their common intention, assaulted the informant.

3. The applicant applied for anticipatory bail before the Sessions Court, which was rejected by an order dated 19 November 2024. The Sessions Court determined that the ongoing investigation required the applicant's custody and also observed the applicant's behaviour, which included allegedly threatening the investigating officer on the telephone during the pendency of the bail application.

4. Mr DS Pagare, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present case. In the FIR, it is alleged that the co-accused assaulted the informant and not the applicant, and as such, nothing is to be recovered from the applicant. Moreover, there is a delay in filing the FIR. The applicant filed complaints with the superiors of the investigating officer about his conduct, and therefore, he had a grudge against the applicant. Furthermore, one of the co-accused has already been released on bail.

5. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is grave and serious in nature. At the relevant

time, the applicant was present at the spot and at his instigation, due to previous enmity, the informant was assaulted. The statements of the injured and eyewitnesses confirm the applicant's active participation in the crime. The co-accused, a child in conflict with the law, was released on bail. The investigation is at the nascent stage, and the weapon used in the crime has to be recovered.

6. This Court has given anxious consideration to the rival submissions canvassed across the Bar.

7. Upon reviewing the statements of the eyewitnesses and the injured individuals, it appears that a specific role has been attributed to the applicant in the present crime. There was a previous dispute between the informant and the applicant. The informant was assaulted in the incident, which is supported by the injury certificates. The investigation is in progress, and the weapon allegedly used in the crime is yet to be recovered. In these circumstances, custodial interrogation of the applicant would be necessary. Consequently, 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.]