



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 748 OF 2025

Rutwik Bhaskar Darandale

....Applicant

VERSUS

The State of Maharashtra & another

.....Respondents

Mr. T. C. Shinde, Advocate for Applicant.

Mr. R. S. Wani, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 10 JUNE, 2025.

PER COURT :

1. The Applicant before the Court has filed a pre-arrest, anticipatory bail, apprehending arrest.

BASIC FACTS :

2. The proceedings arise out of First Information Report/Crime No. 122/2025 filed by Sonai Police Station, Ahmednagar, District Ahmednagar. The date of the alleged offence/incident is 28 March 2025. The said First Information Report has been registered on 2 April 2025. The relevant sections invoked are Sections 118(1), 119(1), 115(2), 324(4), 325(5), 352, 351(2), 351(3), 3(5) of Bhartiya Nyaya Sanhita, 2023 ('BNS' for short). The total number of accused persons are 4 as per the said First Information Report. None of them has been enlarged on bail as on date. The Anticipatory Bail Application of Applicant No. 2 Siddhesh Unavane is pending before this Court. The informant is one Ajit

Sanjay Jadhav, aged 25 years. The Applicant is stated to be a student pursuing his M.Com, aged 22 years.

3. Briefly, on 28 March 2025, at about 8.30 pm, accused along with three others i.e. the co-accused persons visited the cafe belonging to the Complainant which was a rented premises, in the name of "The Brown Mug Cafe". The Applicant along with the co-accused persons were consuming alcohol in the said cafe, as noted in the First Information Report. Further, it appears that on the said date, at around that time i.e. 8.30 pm, the Applicant was asked by the Complainant to leave the cafe as it was closing time. However, the Applicant did not do so. Thus, there was an altercation between the accused/applicant, co-accused persons and the Informant. In such scuffle/altercation, as stated in the First Information Report, injuries have been inflicted upon the Complainant by the Applicant behind his left ear, using a Chopper as described in the First Information Report. The co-accused also used iron rod, bamboo to inflict injuries on the Informant who was abused, assaulted *inter-alia* on his head/scalp and eyes. The Applicant along with the co-accused threatened the Informant not to lodge a police complaint, else the Informant would be killed and his cafe would be burnt down. The Applicant along with the co-accused persons vandalised the cafe of the Informant, as noted in the First Information Report. Further, cash of Rs. 20,000/- was stolen by the accused persons from the drawer of the Informant in his cafe/premises. It is in such backdrop that the First Information Report was lodged on 02 April 2025 at the Sonai Police Station, Newasa.

SUBMISSIONS OF THE APPLICANT :

4. Applicant has at the very outset, urged that there is a gross delay in filing of the First Information Report which is that of about 5 days. There is no explanation whatsoever for such delay. According to him, the Informant has himself walked to the Police Station, when he could give the statement to the police in the hospital itself. He was conscious and oriented. In such circumstances, the delay is completely unacceptable and unexplained.

5. He would next submit that the alleged weapon namely Chopper which was used as stated in the First Information Report is a heavy and sharp blade weapon which is used mainly to cut meat and bones. It cannot be concealed in the pocket or a trouser. He would submit that from any angle, such Chopper can never cause injury behind the ear as stated in the First Information Report. According to him, nothing of this kind had ever happened and infact no Chopper was never used.

6. He would then urge that the Applicant is a 22 years M.Com student. There are no antecedents. He is fully cooperating with the investigation more particularly, after an *ad-interim* order dated 6 May 2025 was passed in such proceedings. In such view of the matter, he would submit that the Applicant deserves to be enlarged on anticipatory bail in the given facts and circumstances.

PROSECUTION'S VERSION :

7. Learned APP Mr. Wani would strongly oppose the Application.

8. Mr. Wani would first submit that there is no recovery of the weapon used by the Applicant at the time of assault. Learned APP has then placed on record the statement of an eye witness dated 3 April 2025 where the eye witness appears to have been present on the date of the incident and he has infact specifically named the accused/applicant. He would further submit that in such facts and circumstances, it is apparent that the Complainant has been mercilessly beaten by the accused persons. The eye witness would also bear testimony to such incident. He has placed on record the injury certificate bearing date and time of examination being 28 March 2025 at about 10.45 pm. A perusal of such injury certificate would reveal that there are about six different kinds of injuries on different parts of the body of the Complainant. The injury certificate also reveals that the sharp weapon in the nature of blunt rod has been used to inflict the blows on the complainant/informant. Mr. Wani has placed on record a communication dated 10 June 2025 addressed by the Investigating Officer, Sonai Police Station, District Ahmednagar. In this context, the learned APP would submit that the said letter clearly stated that despite the accused being directed to co-operate with the investigation under order of this Court dated 06 May 2025, the Applicant neither remained present for the purpose of investigation nor has co-operated in the investigation, when there was specific directions/conditions imposed in this regard in the earlier order of this Court dated 06 May 2025.

9. For the above reasons, the learned APP would urge that the *ad-interim* order and the protection granted therein deserves to be vacated. In the given facts and circumstances, custodial interrogation of the Applicant is necessary and thus the Anticipatory Bail Application of the Applicant should be rejected.

FINDINGS :

10. I have given my anxious consideration to the above facts and circumstances. At the very outset, it may be pertinent to note that the Applicant was granted *ad-interim* protection on 6 May 2025. At such stage, the Court passed the order in the following terms :

"A) Till the next date, in the event the applicant is arrested in connection with Crime No. 122/2025, registered with Sonai Police Station, Taluka Newasa, District Ahmednagar, for the offence punishable under Sections 118(1), 119(1), 115(2), 324(4), 324(5), 352, 351(2), 351(3) and 3(5) of the BNS, he shall be released on bail on furnishing PR bond of Rs. 20,000/- with one or two sureties in the like amount.

B) The applicant shall attend the concerned police station at and when required by the investigating officer.

C) The applicant shall co-operate with the investigation, including producing all documents in his possession, as may be demanded by the investigating officer.

D) The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence."

11. The above order thus clearly records *inter-alia* that the Applicant shall attend the concerned Police Station as and when required by the Investigating Officer and shall co-operate with the Investigation. The letter dated 10 June 2025 of the Investigating Officer of the said Police Station would make it clear that the Applicant is in breach of his undertaking and of the conditions imposed in the order of this Court dated 6 May 2025. On the basis of which the Applicant as granted ad-interim protection.

12. The submissions of the Applicant in regard to the nature of injuries, weapons used, various possibilities of using such weapon, are matters that require evidence to be lead during trial and not at this prima facie stage of the proceedings. This is particularly so when the intent of the Applicant in using the weapon i.e. to threaten and injure the Informant was prima facie evident.

13. At the first blush, the Court was inclined to consider the submissions of the learned Advocate for the Applicant mainly considering the fact that the Applicant is 22 years old and is a student pursuing M.Com. However, the Court cannot lose sight of the fact that the Complainant is also of 25 years of age who has suffered the injuries also as inflicted upon him by the Applicant and along with the co-accused persons. A perusal of the medical Injury Certificate shown by the prosecution reflects multiple injuries *inter-alia* on the Informant's scalp, ears, eyes. Thus, the role of the Applicant in the given factual complexion is clearly made out in the First Information Report. It was on the basis of such injuries suffered by the Informant that he was subsequently admitted to the

Civil Hospital for further treatment. As soon as he was discharged on 1 April 2025, he registered the complaint with the Sonai Police Station on 2 April 2025, at the earliest possible opportunity. Thus, prima facie, the contention of the Applicant with regard to the delay in lodging the First Information Report does not inspire confidence.

14. The learned Advocate for the Applicant would also at this stage refer to the decision of Hon'ble Supreme Court in case of Hemant Kumar vs. State of Haryana dated 6 March 2024. He would rely particularly on the second paragraph of the said order which states that it was a case where the participation in the investigation does not entail making self-incriminating statements. However, in the present case, the Applicant has not even appeared before the Investigating Officer, much less participated in the investigation.

15. In my prima facie view custodial interrogation would be necessary to aid the investigation, in the given factual matrix for more than one reasons, as noted below :

A) It is undisputed that alleged weapons used during the assault of the Informant by the Applicant and the co-accused persons have not been recovered.

B) The cash of Rs. 20,000/- as stated to be stolen in the First Information Report from the cafe of the Informant is also not recovered.

C) The eye witness whose testimony is recorded is known to both the Applicant and the Informant. He personally saw the Applicant along with the co-accused persons running away from the cafe after the assault on 18 March 2025. He then accompanied the Informant first to the Primary Health Center and then to the Civil Hospital.

16. In the given facts and circumstances, I am of the prima facie view that no case is made out for the grant of anticipatory bail by the Applicant. Infact, it is apposite to note that the Supreme Court has in recent decisions reiterated that grant of anticipatory bail is an extra ordinary power exercised by the Court. Unlike bail, anticipatory bail is not a rule. The Court ought to be conscious in granting ad-interim reliefs in such matters, to ensure that the investigation is not hampered, which would otherwise result in travesty of justice. **(See Deepak Aggrawal Vs Balwan Singh and another, In Criminal Appeal No. 5456/2024 dated 18 December 2024; Srikant Upadhyay and others Vs State of Bihar and another, (2024) 3 SCR 421).** The principles laid down in the above decisions would apply to the given facts and circumstances where the Applicant is attempting to avoid, evade the investigation and create obstacles to thwart the investigation, for which the custodial interrogation of the Applicant would be necessary and expedient.

Thus, this is a fit case where the ad-interim protection granted by the earlier order dated 06 May 2025 cannot be continued and accordingly, the following order is passed.

ORDER

- i) Anticipatory Bail Application No. 748/2025 is rejected.
- ii) Ad-interim protection granted by order dated 06 May 2025 stands vacated forthwith.

(ADVAIT M. SETHNA)
Judge