

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 568 OF 2025

Someshwar Shashikant Zadbide Applicant

VERSUS

State of Maharashtra Respondent

Mr. Vikrant Phatate a/w. Mr. Mahesh Arjun for the Applicant.

Mr. Ajay S. Patil, A.P.P. for the State.

Mr. Suryakant D. Darade, P.C., Faujdar Chaudi Police Station, Solapur City present.

CORAM : RAJESH S. PATIL, J.

DATE : 3rd MARCH, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0580 dated 26th September, 2024 registered with Faujdar Chaudi Police Station, Solapur City for the offences punishable under Sections 109, 189(2), 191(2), 191(3), 190 and 74 of the Bharatiya Nyaya Sanhita, 2023 and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951.

2. It is the case of the prosecution that the applicant alongwith few others have been to Sinhgad College wherein there are hostels of girls and boys. There is some kind of dispute pursuant to which the main accused Santosh Upade alongwith the accused person went to the gate at around 3:30 p.m. after lectures on 26th September, 2024 and the students proceeded through the buses. At around 3:45 p.m. one jeep arrived alongwith 7-8 persons. Sanjay Upade, accused no.1 first alighted from the jeep and started shouting at the informant. Thereafter, the co-accused alighted from the jeep rushed alongwith accused no.1 Sanjay Upade went towards the direction of the first informant as the co-accused Sanjay Upade started shouting and threaten to kill the informant.

3. It is the case of the prosecution that the present applicant alongwith other accused instigated others to assault the security guard. In the meantime, Sanjay Upade started pelting stones. During the commotion, the accused Sanjay Upade removed knife from his waist and started moving it. The said Sanjay Upade threatened the informant by putting the knife on his neck and started abusing him and asked why is college in favour of some another party. At that

time, the college employee Prakash Mali came to the rescue of the informant but the co-accused Sanjay stabbed the knife in the abdomen of Prakash Mali (employee of the college). Thereafter, he again tried to stab the said. However, the said Prakash Mali avoided. After seeing the incident all the accused boarded the jeep. However, the said Sanjay Upade could not succeed to board in the jeep and he was caught by the security guards. Accordingly, an FIR has been lodged.

4. Today, it is the case of the applicant that he will co-operate with the police and no major role is attributed towards him, there is no weapon which has to be collected from the present applicant. Therefore, no purpose will be solved by taking him into the custody.

5. The learned A.P.P. stated that the matter is at primary stage. An enquiry has also to be made. So also, the interrogation of the present applicant is necessary to complete the investigation. He further submitted that granting pre-arrest bail of the present applicant is likely that the present applicant will pressurize the informant and the witnesses from tempering with the evidence.

6. I have heard learned counsel for both the sides and I have gone through the FIR.

7. The present applicant was part of the group which has assaulted the informant with the knife in the abdomen. Though the attempts were again made by one of the accused, however, those attacks were avoided by the employee Prakash Mali. The female security guards were assaulted by the accused. A detailed enquiry is necessary for which physical presence of the applicant would be necessary for completing the investigation. Moreover, there is possibility of the applicant pressurizing and threatening the witnesses and also tampering the evidence in case any pre-arrest bail is granted to the applicant.

8. According to me, no *prima facie* case is made out to grant the anticipatory bail application. All the accused have been arrested as of now except the present applicant. The CCTV footage which is with the police shows the role of the present applicant.

9. Hence, according to me, no case is made out to grant anticipatory bail. This anticipatory bail application is rejected.

[RAJESH S. PATIL, J.]