

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

Anticipatory Bail Application No. 1224 of 2025

Manohar Atamaram Mashal

Age 38 years, Occ. Agriculturist,

R/at: Belati, Taluka North Solapur,

Dist. Solapur.

... Applicant

versus

The State of Maharashtra

(At the instance of Salgar Vasti

Solapur, notice to be served on APP

High Court, Appellate Side, Bombay)

...Respondent

Mr Viresh Purwant, for the Applicant.

Mr Pankaj Deokar, APP, for Respondent / State.

PC 1891 S R Pandhare, Salgar Vasti Police Station, Solapur
City, is present.

Coram: R.N. Laddha, J.

Date: 15 July 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.209 of 2024, registered at Salgar Vasti Police Station, Solapur City, for offences punishable under Sections 109, 189(2), 191(2), 191(3), 118(1), 115(2), 351(2), 352(3) and 126(2) of the Bharatiya Nyaya Sanhita, 2023, Sections 25 read with 4 of the Arms Act, 1959, and Sections

135 read with 37(1) of the Maharashtra Police Act, 1951.

2. The prosecution alleges that on 22 October 2024, the applicant and the co-accused formed an unlawful assembly and assaulted the informant with a sickle, punches and kicks with the intention to kill him.

3. The learned Counsel appearing on behalf of the applicant asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. He submits that the present FIR is a retaliatory action arising from a civil dispute pending between the applicant and the informant. The weapon allegedly used in the crime has already been recovered, and nothing remains to be recovered or discovered from the applicant. The learned Counsel further submits that the applicant is ready and willing to comply with any conditions this Court imposes if granted bail.

4. The learned Additional Public Prosecutor representing the respondent/ State opposes the applicant's request for pre-arrest bail and submits that the offence is of a grave and serious nature. Further, based on instructions received from the investigating officer present in Court, the learned APP fairly submits that the investigation has concluded, and nothing remains to be recovered or discovered from the applicant.

However, he raises concerns about potential evidence tampering and witness influence if the applicant is granted pre-arrest bail.

5. Upon perusing the records, it *prima facie* appears that there exists a long standing dispute between the families of the applicant and the informant concerning certain agricultural land. This animosity has led to the initiation of non-cognisable complaints by the applicant's family against the informant and his family. It is pertinent to note that the alleged incident giving rise to the present proceedings is stated to have occurred on 22 October 2024. However, the FIR was lodged belatedly by the informant only on 26 October 2024, after an unexplained and significant delay of four days, which casts doubt on the veracity and spontaneity of the complaint. Furthermore, while the informant has alleged in the FIR that he suffered grievous injuries during the course of the incident, the medical certificate on record contradicts such a claim and categorises the injuries as being simple in nature. The allegations in the FIR are not in consonance with the medical documentation. Additionally, the weapon purportedly used in the commission of the offence has already been recovered. The learned APP fairly acknowledges that the investigation is now complete, and that there is no further recovery or discovery to

be effected from the applicant. It is also brought to the notice of this Court that the co-accused persons, who are similarly situated, have already been granted bail.

6. In view of the foregoing circumstances, and considering the nature of the allegations, the stage of investigation, and the parity with co-accused, this Court finds it just and proper to exercise its discretion in favour of the applicant. Accordingly, the application is allowed in the following terms :

(i) In the event of the applicant's arrest in connection with CR No.209 of 2024, registered at Salgar Vasti Police Station, Solapur City, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required by the investigating officer.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

6. The application stands disposed of accordingly.

[R.N. Laddha,J.]