

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

Anticipatory Bail Application No. 1385 of 2024

1. Prakash Kashinath Shejal

Aged about 34 years, Occ. Agriculturist,
Indian Inhabitant,

2. Balu Vitthal @ Vithoba Devkate

Aged about 46 years, Occ. Agriculturist,

3. Sachin Yetal Shejal

Aged about 20 years, Occ. Agriculturist,
Indian Inhabitant,

All are R/at. Post Kawalwadi,
Tal. Karmala, Dist.: Solapur.

... Applicants

versus

1. The State of Maharashtra

through Inspector Incharge,
Karmala Police Station, To be served
through Public Prosecutor, High Court,
Mumbai.

2. XYZ

... Respondents

Mr Shubham Vasekar, for the applicants.

Mr Arfan Sait, APP, for respondent No.1/ State.

Ms Jahnavi Karnik, for respondent No.2 (through Legal Aid).

PC 640, SS Takbhate, Karmala Police Station, Solapur.

Coram: R.N. Laddha, J.

Date: 17 July 2025

P.C.:

Heard the learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with CR No.993 of 2023, registered at Karmala Police Station, Solapur Rural, for offences punishable under Sections 354, 354-B, 327, 323, 143, 147 and 149 of the Indian Penal Code, and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. According to the prosecution, on 30 December 2023, the applicants, along with the co-accused, formed an unlawful assembly with a common intention to commit a violent act. It is alleged that they physically assaulted one Baban Kawale in front of the informant's residence. The incident was witnessed by the informant, her two minor daughters, and her sister-in-law, who were standing at the doorway of their house at the time. Upon noticing them, the accused forcibly entered the house and launched a physical assault on the informant and the other female family members present. Applicants No.1 and 3 punched and kicked the women, tore their clothing, and committed acts of outraging their modesty. In addition Applicant No.2 is accused of snatching a gold mangalsutra from neck of the sister-in-law. The prosecution further claims that

during the incident, the accused used abusive and derogatory language, issued threats of violence, and intimidated the victims by threatening to kill them.

4. The learned Counsel appearing on behalf of the applicants asserts the applicants' innocence and contends that the allegations made against the applicants are wholly unfounded. He submits that the present FIR has been lodged as a consequence of political rivalry and vendetta. According to the learned Counsel, no *prima facie* offence is disclosed against the applicants upon a bare perusal of the FIR. The applicants have no criminal antecedents and they have been falsely implicated in the present matter with an ulterior motive. The learned Counsel further submits that the applicants are willing to abide by any conditions this Court imposes if released on bail.

5. The learned Additional Public Prosecutor representing respondent No.1/ State and the learned Counsel appearing for respondent No.2 jointly oppose the applicant's request and submit that the offence is of a grave and serious nature. They submit that the applicants unlawfully trespassed into the residence of the informant and assaulted her, her minor daughters, as well as her sister-in-law. During the course of the assault, the applicants have torn the victims' clothing and

committed indecent acts intended to outrage their modesty. Furthermore, the learned APP has drawn attention to the fact that while a charge sheet has already been filed in respect of the co-accused, the investigation pertaining to the present applicants is still in progress. In particular, it is pointed out that the gold chain snatched by applicant No.2 during the incident has not yet been recovered. If the applicants are granted bail, they may tamper with the evidence or influence witnesses.

6. This Court has given anxious consideration to the rival contentions and perused the records.

7. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits-all approach, as granting such pre-arrest bail in serious cases may affect the investigation. All these aspects are highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay v. State of Bihar*, 2024 SCC OnLine SC 282.

8. Upon perusing the records, more particularly the contents of the FIR, it appears that the applicants have been assigned specific and active roles in the alleged incident. The FIR

discloses that, at the relevant time, when the informant, along with her two minor daughters, and her sister-in-law, noticed a commotion outside their residence, the accused persons, including the present applicants, forcibly entered the premises and assaulted the aforementioned individuals. Applicants No.1 and 3 physically assaulted the victims by punching and kicking them, as well as tearing their clothes and committing acts that *prima facie* amounts to outraging the modesty of the female members of the household. In addition, applicant No.2 is alleged to have forcibly snatched a gold mangalsutra from the neck of the informant's sister-in-law. The applicants and the co-accused are further alleged to have verbally abused, criminally intimidated, and issued threats to the victims.

9. The materials on record, *prima facie*, indicate the involvement of the applicants in the commission of the alleged offence. It is also pertinent to note that out of the four alleged victims, two are minors, which further aggravates the seriousness of the allegations. The investigation is still underway, and the recovery of the stolen gold mangalsutra is yet to be effected.

10. It further appears from the records that the learned Sessions Judge had previously rejected the applicants' request

for pre-arrest bail on 6 March 2024; however, the applicants did not approach this Court until 8 May 2025. Such delay reflects a lack of *bonafides* diligence, and willingness on the part of the applicants to submit themselves to the process of law.

11. Considering the nature and gravity of the allegations, the involvement of minors, the ongoing investigation, and the overall conduct of the applicants, this Court does not find it fit case to exercise its discretion under Section 438 of the Code of Criminal Procedure. Accordingly, the application stands rejected.

(R.N. Laddha, J.)f