

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

**Anticipatory Bail Application No.1807 of 2025**

Haresh Vasant Dhavale

Age : 30 yrs, Occ: Fishing,

R/o : 266, Kalbadevi Mandir,

Medha, Malvan, Dist.Sindhudurg

... Applicant

Versus

The State of Maharashtra

At the instance of

Malvan police station

... Respondent

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Mr Shekhar Ingawale for the applicant.

Mr Arfan Sait, APP for the respondent / State.

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**Coram : R.N.Laddha, J.**

**Date : 4 July 2025**

**P.C. :**

By this application, the applicant seeks pre-arrest bail in connection with CR No.14 of 2025, registered at Malvan Police Station, Sindhudurg, for offences punishable under Sections 118(1), 189(2), 189(4), 190 and 115(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 11 February 2025, at about 00:45 hours, the applicant and the co-accused formed an

unlawful assembly and assaulted the informant and his workers with glass bottles, punches, and kicks, resulting in bleeding injuries.

3. Mr Shekhar Ingawale, the learned Counsel appearing on behalf of the applicant, contends that the applicant has been falsely implicated in the crime and has no involvement in the alleged offence. He submits that the co-accused, who sustained injuries, filed a cross-FIR against the informant. The investigation has concluded, culminating in a charge sheet; therefore, the applicant's custody is unwarranted as nothing further remains to be recovered or discovered at the applicant's instance. The learned Counsel further submits that the applicant is ready to abide by any conditions if released on bail.

4. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is of a grave and serious nature. He contends that the applicant, in collusion with the co-accused, formed an unlawful assembly and actively participated in the commission of the crime. The CCTV footage demonstrates the applicant's presence on the spot and his involvement in the crime. Furthermore, the learned APP asserts that during the incident,

an individual, Pradeep, sustained a grievous head injury, which posed a significant risk of fatality. While a charge sheet has been filed against the co-accused, the investigation concerning the applicant remains ongoing. Despite issuing a notice, the applicant has failed to cooperate with the investigation and has absconded. The learned APP highlights that the applicant has criminal antecedents of a similar nature, and if granted bail, he may tamper with evidence or influence witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

6. 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.

7. Upon perusing the records, it appears the applicant and the co-accused allegedly formed an unlawful assembly to assault

the informant and his workers over non-service of food, using glass bottles, fists, and kicks. The material on record, particularly the eyewitness statements and the CCTV footage, *prima facie* demonstrates the applicant's participation in the crime. During the incident, an individual named Pradeep was brutally assaulted on the head, leading to a grievous injury, which could have been fatal. The investigation is still ongoing, as far as the applicant is concerned, and the cross-FIR was filed three days after the incident. Notably, the alleged incident occurred on 11 February 2025; however, the applicant did not seek the protection of anticipatory bail before the Sessions Court until 13 June 2025, indicating a considerable delay without any plausible explanation. The said application was duly considered and subsequently rejected on 18 June 2025. Thereafter, the applicant approached this Court by way of the present application on 2 July 2025. This sequence of events reflects not only a lack of diligence but also an apparent unwillingness on the part of the applicant to submit himself to the legal process. Furthermore, during the intervening period, the applicant remained untraceable and failed to extend any cooperation to the investigating agency, thereby impeding the progress of the investigation. Such conduct demonstrates a deliberate attempt to evade the due process of law and

undermines the applicant's claim for discretionary relief. Moreover, the applicant has criminal antecedents of a similar nature. Given the circumstances, 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.]**