

HARSHADA H. SAWANT
(P.A.)

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

ANTICIPATORY BAIL APPLICATION NO.17 OF 2025

Abhijeet Ankush Pawar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

WITH

INTERIM APPLICATION NO.79 OF 2025

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- Mr. Vinay J. Bhanushali a/w. Mr. Nishant Dwivedi, Advocates for Applicant.
- Ms. Akshata B. Desai, Advocate i/by Mr. Nitin Sejpai for Complainant.
- Ms. Shilpa K. Gajare – Dhumal, APP for Respondent – State of Maharashtra.
- API – Mr. S.N. Pimple, Kalwa Police Station, Thane City present.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 07, 2025

P.C.:

1. Heard Mr. Bhanushali, learned Advocate for Applicant; Ms. Desai, learned Advocate for Complainant and Ms. Gajare – Dhumal, learned APP for Respondent – State of Maharashtra. Interim Application is not on board. It is taken up alongwith Bail Application.

2. Present Anticipatory Bail Application is filed in connection with First Information Report (FIR) No.1591 of 2024 registered with Kalwa Police Station for the offences punishable under Section 189(2), 190, 191(2), 191(3), 118(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short “BNS”) read with Sections 37(1) and 135 of Maharashtra Police Act, 1951.

3. The incident occurred on the prelude of the recent conducted

assembly elections on the intervening night of 19.11.2024 and 20.11.2024 at about 01:15 a.m. Both Applicant and First Informant – Complainant belong to two rival political groups. In the night of 19.11.2024, First Informant and his team learnt about distribution of money to the voters in the office of Applicant who was a supporter of a rival political party. Informant alongwith his group members namely Santosh Dhangar, Lucky Pawar, Adnan Syed, Ajay Kamble, Avinash Kamble, Sujal Kamble, Altaf Syed, Rohan Shinde and others arrived in two cars at office of Applicant situated at 90 Feet Road, Keshav Heights, Parsiknagar at about 01:15 a.m.

4. Election was held on 20.11.2024 and incident was on the night before election rather midnight. They observed that many people were present in the office of Applicant and one of the group member of Complainant namely Altaf Syed instructed all those who were present in the office of Applicant to leave the office. Thereafter when Applicant alongwith his group members was about to leave in their car after people had left the office of the Applicant they were abused and attacked in the process by the Complainant's group. The scuffle which ensued thereafter related to hurling of stones, damaging the vehicle and two specific incidents attributable to the Applicant and one of his associate namely Mr. Rohan Kadu have been stated in the First Information Report (for short '**FIR**'). It is alleged that the Applicant assaulted one of the group member of Complainant by fist

blow. The FIR is appended at page Nos.25-A and 25-B and on perusing the same, same can be ascertained. Allegation against the mob which had gathered is to the effect that about 10 to 15 people attacked the group of Complainant with iron rods, bamboo sticks and stones. Needless to state that some of the injured received treatment in the Hospital pursuant to the incident. One of the member of the group of Complainant called Mr. Ajay Kamble received injury to his jaw as informed by Ms. Gajare – Dhumal, learned APP while opposing the Application but has fairly stated that it is not ascertained as to who carried out the attack and who beat whom. The fallacy in the present case is that the incident occurred in the office of Applicant but however Complainant and his associates – Mr. Ajay Kamble and Mr. Avinash Kamble were injured.

5. Ms. Gajare – Dhumal, learned APP would submit that the nature of the injury and act of the Applicant in causing the injury to Complainant's associate is serious. She would submit that in that regard the written statement of four persons which has been recorded and appended to the Application be seen by Court which has been duly appreciated by the learned Trial Court while rejecting the common order passed below Exhibit-1 in common Bail Application filed by three of the Accused. She would submit that considering the fact that nature of injury is grievous which can be seen from the chart depicted in the order rejecting Bail Application which reflects the intention of

Applicant and his group members to take the life of Complainant, she would submit that once it is *prima facie* seen that there were specific grievous injuries cause to the injured this Court to exercise restraint in granting Anticipatory Bail since the custody of Applicant would be required to identify of several other Accused involved in the act of committing the crime.

6. Ms. Gajare – Dhumal’s submissions are duly supported by Ms. Desai. She would persuade me to consider the injury certificate as also the photographs and would submit that grievous injury is caused to the injured and therefore Applicant deserves bail.

7. With their able assistance, I have perused the record. Applicant has come before the Court with a specific case. What is observed by Court is that when Bail Application of three Accused below Exhibit-1 was rejected by common order dated 07.12.2024, one Accused was granted Bail with conditions whereas two of the other Accused out of whom one is the present Applicant before me were rejected.

8. In so far Applicant - Abhijeet Ankush Pawar is concerned, FIR at page No.25-B clearly attributes role of Applicant to have inflicted fist blow on Ajay Kamble, one of the injured. Statement of said injured witness is reproduced by learned Trial Court at page No.33 of the Application. The underlined emphasis portion in the said

statement states that Applicant used fist blow on Ajay Kamble. Thereafter the statement proceeds by recording that some people with iron rods, bamboo and stones also caused injury to them. Considering the two aforesaid attributes and role of Applicant before me and more specifically and importantly the fact that Complainant in the present case took law into their own hands i.e. without approaching the Police Station they confronted the Applicant in his own office, I am inclined to grant the application for Anticipatory Bail. Needless to state that Applicant shall adhere by conditions for grant of Anticipatory Bail and provide all cooperation to the Investigating Officer. Any refracton shall entail to cancellation of this order and prosecution can approach this Court immediately for cancellation of the order. Hence, the following order:-

- (i) In the event of the arrest, Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer at concerned Police Station, on the first Monday of every month between 10:00 a.m. to 12:00 noon until filing of charge-sheet and thereafter as and when called for by the Investigating Officer for investigation;
- (iii) Applicant shall furnish particulars of his address and

mobile number to the Investigating Officer within one week from today;

(iv) Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence; and

(v) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case.

9. In view of disposal of Anticipatory Bail Application, Interim Application, is also disposed.

10. Parties to act on a server copy of this order.

11. Anticipatory Bail Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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