

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 201 OF 2025

Akshay Tukaram Patil And Anr	...Applicants
Versus	
State Of Maharashtra	...Respondent

Mr. Shailesh Kharat, Advocate for the Applicant.

Mr. Nitin B. Patil, APP for the State.

Mr. Yuvraj Dahiphale, Mangaon Police Station.

CORAM : RAJESH S. PATIL, J.

DATED : 4 FEBRUARY 2025

P.C.:

1. The present Application is filed by the Applicants under Section 482 of the Bharatiya Nyaya Sanhita, 2023 for anticipatory bail in respect of C.R. No.0281 of 2024, dated 27 November 2024, registered with Mangaon Police City Police Station, District Raigad under Sections 118 (1), 115 (2), 352, 351 (2), 3 (5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 27 November 2024, the informant who is cousin brother of the Applicants, had lodged report alleging therein that the Applicants and their family members were

arrested and later on released on bail, due to help extended by the informant. Before arresting them, the Applicant No.1 had given his gold chain to informant in the year 2023. He had pledged the said gold chain and they were asking to him. He told them he had spent the amount for releasing them from jail. On 26 November 2024, the Applicants along with unknown Accused came to him. They again sought the gold of chain from him, and when he refused, they assaulted him. The Applicant No.2 by taking a wooden stick, which was lying near by assaulted the Informant in his stomach. Thereafter, all accused assaulted the First Informant by fists and blows.

3. It is the case of the Applicants that a false report has been lodged against them and as far as the alleged stick is concerned, the report itself indicates that it was left by the Applicants at the scene of the incident. Therefore, nothing remains is to be recovered from the Applicants. Hence, the Anticipatory Bail Application should be granted.

4. The learned APP submits that the Sessions Court has observed in para 8 of the order dated 18 December 2024 while rejecting Anticipatory Bail Application that say filed by Investigating Officer shows that the Applicants are having criminal antecedents. The learned APP further submitted that there are already four cases filed against the Applicants, one of which was filed for assaulting a police constable. The present case

is fifth case committed while the Applicant was on bail. He further submitted that the police have issued notice under Section 35 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023. Even after receipt of the notice, the Applicants had damaged Eeco Car of the Informant. The investigation is still in progress, therefore, it is likelihood that if the Applicants are released on bail, there are chances that they may pressurize the witnesses and tamper the evidence of prosecution.

5. Considering the submissions made on behalf of the parties. It can be seen that the Applicants are habitual offender. The present case is a fifth against them. There are serious cases filed against them including that of assaulting the police. As far as the present F.I.R. is concerned, the Applicants have assaulted the Informant by a wooden stick and have further damaged the Eeco car of the Informant. An analysis of the allegations doesn't warrant the grant of the Anticipatory Bail Application.

6. In view of the above, **the Anticipatory Bail Application is rejected.**

(RAJESH S. PATIL, J.)