



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 286/2025

KULDEEP BHUDAN MAHATO ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Navkar Jain a/w. Adv. Harshal Savla i/b. Adv. Prem Pandey for
the applicant.

Mr. Amit A. Palkar, APP for State.

Mr. Siddharth Dudhmal, API Malvani Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 7, 2025.

P.C. :

1. This is an application filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 for pre-arrest bail in connection with
C.R. No.1704/2024 registered with Malwani Police Station for the
offence punishable under Sections 118(1), 118(2), 115(2), 351(2),
352, 189(2), 189(3), 191(2), 191(3), 190 of the Bharatiya Nyaya
Sanhita, 2023.

2. It is the case of the prosecution that the informant and the

present applicant, along with the co-accused Rajeev, had minor altercations regarding the parking of the motorcycle in the residential society. As the argument escalated, the present applicant and the co-accused Rajeev began abusing the informant. They also made a phone call to their friends, and in about ten to fifteen minutes, the accused persons arrived at the scene. They all started argument with the informant when suddenly the present applicant picked up iron rod and assaulted the informant by means of iron rod on his head. The co-accused Rajeev started beating the informant by hand, fist and kicks blows. The informant fell on the ground and started shouting for help. Upon that his wife, two minor sons and daughters came there to rescue. However, the present applicant had not shown any mercy and by means of wooden stump started beating the minor son of the informant on his head, left hand below wrist. The co-accused Rajeev started beating the minor son by wooden bamboo. The other co-accused also started beating two sons of the informant. The present applicant then also started beating the daughters of the informant by hands and also by holding her hair. At that time, the other accused also started beating the daughters of the informant. After having medical treatment, the informant has lodged the FIR.

3. The learned counsel for the applicant submits that out of the

seven accused six accused have already been granted bail. Five accused were able to get anticipatory bail from the Sessions Court and one accused has got regular bail before the trial Court. He submitted that it was not pre-intentional to beat the informant and his family. It was suddenly happened on small issue of bike parking. He submitted that the present applicant is also a student, therefore, the sympathy should be shown and he should be released on anticipatory bail. He will co-operate with the police.

4. The learned APP appearing for the State submits that the iron rod has not been recovered as of now. The interrogation of the applicant will be necessary since major allegations are against the present applicant. He submitted that even family members were not spared and were mainly hit by the present applicant. So also, the medical papers shows that the informant's son Shivam, who is aged 13 years, sustained grievous injury on his hand i.e. dislocation of left hand. He further submitted that if the present applicant is released on bail, there is a every possibility of tampering of evidence. Hence, the anticipatory bail application be rejected.

5. I have considered the submissions of the learned counsel for the applicant and learned APP for the State. I have also gone through

the FIR and the medical papers submitted by the learned APP.

6. The FIR states that it is the present applicant who has hit the informant by the iron rod. So also, the present applicant has picked up a wooden bamboo and hit Shivam, the minor son of the informant. So also, further it is the present applicant who has held the hair of the daughter of the informant and has also beaten her by his hands. Though there is a cross FIR filed by the present applicant, the present applicant has not even spared the minor sons and daughters of the informant apart from the fact that he had hit the informant by iron rod. The medical papers show that the son of the informant aged 13 years has received grievous injuries. So also, the elder son of the informant aged 15 years has received grievous injuries and there is a fracture. In the medical report of the informant shows that “there is extra calvarial soft tissue swelling noted as left temporo-occipital region”. The iron rod has not been recovered as of now.

7. Taking into consideration the conduct of the applicant, the nature of the injuries and the gravity of the offence, according to me, the custodial interrogation of the applicant is necessary. There is every likelihood that the applicant will threaten the informant.

Hence, I am not inclined to grant pre-arrest bail to the applicant. **The application is rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)