



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

ANTICIPATORY BAIL APPLICATION NO. 291/2025

SACHIN PRAKASH PAWAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Khwaja Shaikh a/w. Adv. Abhay Dolas for the applicant.
Mr. Anand S. Shalgaonkar, APP for State.
API Laxman Kakde, Rabale Police Station, New Mumbai.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 4, 2025.

P.C. :

1. This is an application for pre-arrest bail under Section 438 of the Code of Criminal Procedure and under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in respect of the C.R. No. 686/2024 registered with Rabale Police Station, Navi Mumbai, for the offence punishable under Sections 110, 115(2), 118(1), 3(5), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the first informant is a resident of Talavali, Navi Mumbai, and runs a vada-pav stall. He had constructed a temporary shed for his business. However, the accused persons who were residing in the same vicinity and were in the habit

of threatening and blackmailing people in order to extract money from them. In 2021, Prashant Nilkanth (accused no. 3) developed ill will towards the premises where the first informant was carrying out his small food joint of selling vada-pav. Accused no. 3, Prashant Nilkanth, threatened the first informant, following which an N.C. was filed against him. On 22/12/2024, at around 6:30 a.m., and without the knowledge of the first informant, a poster was put up at the place where the first informant was conducting his vada-pav business. The said act was committed with the intention of grabbing the property where the first informant was conducting his business. When the first informant became aware of the poster, he removed it. Later, the accused, Sunil Wankhede, posted certain photos on Facebook regarding the said incident. Again, on 30/12/2024, at around 11:30 p.m., the accused Manoj, Sachin, and Suraj placed another "Happy New Year" banner at the same location where the first informant was conducting his business. When the poster was about to be removed, the accused Sunil, arrived and started quarreling with the first informant. After some time, all the accused, including the present applicant, arrived at the site and began abusing the first informant. The first informant was then attacked with a cement paver block. As the first informant begged the accused not to hit him, as he would die

from the injuries. Somehow, by blocking the paver block with his hand, he saved himself. At that time, the present applicant with another accused assaulted the first informant by bamboo on the head, chest, stomach and back. The first informant sustained several injuries on various part of his body. Thereafter, the first informant was taken to the hospital and later filed his FIR with the police.

3. The learned counsel for the applicant submits that the accused nos.1 and 2 have already surrendered and granted bail by the trial Court. As far as accused no.3 is concerned, he is absconding. The present applicant is accused no.4. It is further submitted on behalf of the applicant that the applicant in reality, has no role to play, as it was accused No. 1 who hit the first informant with the paver block.

4. The learned APP for the State submits that there are antecedents reported against the present applicant viz. C.R. No. 136/2024 registered with Rabale Police Station, Navi Mumbai, for the offence punishable under Sections 323, 326, 504 read with 34 of the Indian Penal Code and also a case is registered of preventive actions under Section 107 of the Code of Criminal Procedure.

5. In the FIR, there are specific allegations against the present applicant. It is stated that he has hit the first informant with the

bamboo. The first informant, who was selling vada-pav, was assaulted by all the accused. The specific role of the present applicant is mentioned in the FIR. Upon perusal of the FIR, and the statements of witnesses, it is evident that the applicant was present at the scene of the crime and actively participated in the brutal assault on the informant. The informant has sustained serious injuries, including on his head, chest, stomach and back. The allegations in the FIR are specific and supported by witness statements. Having regard to the seriousness of the allegations, granting anticipatory bail may hamper the investigation and lead to the possibility of witness intimidation.

6. The prosecution has made a strong case for the necessity of custodial interrogation. Considering the severity of the injuries sustained by the informant and the nature of the allegations, custodial interrogation is required for the purpose of comprehensive investigation. In view of the serious allegations against the applicant, the nature of the offence, and the necessity for custodial interrogation, this Court finds that the applicant is not entitled to anticipatory bail. **The application is rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)