



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

ANTICIPATORY BAIL APPLICATION NO. 301 OF 2025

Satish Sukhdev Tayde

...Applicant

V/s

State of Maharashtra

...Respondent

...

Adv. Akshay Shinde a/w Manvi Sharma for the Applicant

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

PSI Pratibha Mali, Mahatma Phule Chauk Police Station.

...

CORAM : RAJESH S. PATIL, J.

DATED : 13th FEBRUARY, 2025

P.C.:

1. The Applicant has filed the present Application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita 2023 for apprehending the arrest of the Applicant in C. R. No. 1255 of 2024 registered with Mahatma Phule Chauk Police Station, Thane City for the offences punishable under Section 118(2), 115(2) and 3(5) of Bhartiya Nyaya Sanhita, 2023.

2 The Applicant undertook such actions as described in the statement of the Informant which are included in the FIR. It is submitted by Mr. Akshay Shinde, learned Counsel for the Applicant

that there are two accused arraigned in the subject FIR No. 1255 of 2024. The present Applicant is Accused No. 1 and the Accused No. 2 has already been granted regular bail by the Trial Court. It is submitted that the Informant is a developer who had taken re-development work. He had engaged for carrying out the construction work a firm by name Rudra Construction. The said firm M/s. Rudra Construction in turn had engaged the present Applicant as a sub-contractor to carry out the said work. On 21st November, 2024 when the Informant visited the site along with his driver, there was argument between the Informant and the Applicant, which ultimately turned into a fight due to misunderstanding. It was alleged that the Accused No. 2 used iron rod to hit the Informant on his back. So also, before that the Informant had assaulted the present Applicant. The present Applicant after the said incident, was attending the concerned Police Station and lodged the FIR being FIR No. 1253 of 2024. However, with an alternate motive, the subject FIR was lodged by the Informant which is subject matter of the present proceeding on 23th November, 2024. Since, the FIR lodged by the present Informant is an afterthought, in order to defend himself, being lodged by the Informant, there is no merits in the allegations made

in the said FIR. The Accused No. 2 is already on bail, who allegedly used iron rod to hit the Informant. Except hitting the Informant with hands by way of slaps, there is no allegation against the present Applicant. The custody of the present Applicant is not necessary. Hence, he should be released on bail.

3. Learned APP has opposed the present Application on the ground that there is an antecedents reported against the present Applicant for an offence registered under Section 326 of the Indian Penal Code. There was a grievous hurt to the Informant by using the iron rod by Accused No.2. Though the iron rod is recovered, it will be necessary to take the present Applicant in custody for interrogation.

4. I have heard counsel for both the sides and gone through the FIR. As alleged in the FIR, iron rod has been used. The said iron rod has been recovered. The FIR has been lodged by the present Applicant against the Informant is prior in time i.e. on the date of incident on 21st November, 2024. The present FIR has been lodged only on 23rd November, 2024. In my view, taking into consideration all the facts, the Applicant needs to be protected on certain conditions. Hence, I pass the following order.

Order

- (i) Anticipatory Bail Application is allowed.
- (ii) In the event of his arrest in connection with Cr. No.1255/2024, dated 23/11/2024 registered with Mahatma Phule Chauk Police Station, Thane City, till filing of the chargesheet, the Applicant be released on bail on his executing PR Bond in the sum of Rs. 30,000 (Thirty Thousand Only) with one or two sureties in the like amount.
- (iii) The Applicant shall attend the concerned Police Station as when called by the Investigating Officer.
- (iv) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.
- (v) The Applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

5. **Anticipatory bail Application is accordingly disposed of.**

(RAJESH S. PATIL, J.)