

Shabnoor

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

ANTICIPATORY BAIL APPLICATION NO. 314 OF 2025

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Pritesh Dilip Patil & Anr, ... Applicants
V/s.
 The State of Maharashtra & Anr. ... Respondents

Mr. Akshay C. Bhole i/b Noorsaba Shaikh, for the Applicant.

Mrs. Kranti T. Hiwrale, APP for the State-Respondent.

Mr. S. A. Hoar, PSI, Kalamboli Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 7, 2025

P.C.:

1. The applicant has filed this application seeking pre-arrest protection under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The applicant apprehends arrest in connection with Crime Register No. 290 of 2024 registered at Kalamboli Police Station for offences punishable under Sections 118(1), 118(2), 115(2), 351(2), 352, and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The prosecution case, in brief, is that the informant, Mr. Mansoor Ahmed Sharif Sayyad, a rickshaw driver residing in Taluka Panvel, District Raigad, lodged the FIR. He resides in a rented house with his wife Nazmin Sayyed, two children, his mother Bashira Sayyad, and his younger brother Maksood Ahmed

Sharif Sayyad. The informant's brother, Maksood Sayyad, runs a garage near McDonald's, Kalamboli Service Road, with the assistance of his mechanic, Ajay Kumar, to earn a livelihood for the family.

3. On 31st July 2024, a person named Bandu, who runs a Chinese food stall near the garage, had a cook working for him. The said cook urinated in front of the garage. Ajay Kumar objected to his act, but the cook ignored the warning and began using abusive language. The informant's brother intervened and the matter was temporarily settled.

4. However, on 2nd August 2024, around 10:00 p.m., the same cook again urinated in front of the garage. When the informant's brother shouted at him, the cook went and complained to accused No.1, Prem Bhalekar. Thereafter, accused No.1 came to the garage and assaulted Ajay Kumar. The informant's brother again intervened to stop the quarrel.

5. Later that night, at about 11:55 p.m., when the informant's brother went to fetch drinking water, accused No.1, along with his associates, abused him in filthy language. At about 12:05 a.m. on 3rd August 2024, accused No.1, his brother Shubham Bhalekar, and their friends came to the garage and started beating Maksood Sayyad. When the informant tried to intervene, accused Prem Bhalekar attacked him with a wooden stick, fracturing both his hands. Thereafter, the associates of Prem Bhalekar also assaulted the informant. A friend of the informant, Amey Patil, who came to help, was also beaten by the accused. On these allegations, the FIR

came to be registered.

6. Learned counsel for the applicant submitted that the applicant's name does not appear in the FIR. The informant, who was present throughout the incident, did not attribute any role to the applicant. During investigation, two witnesses have stated that the applicant was present along with the co-accused, but no specific act has been assigned to him. The charge-sheet has already been filed and the investigation is complete. Hence, custodial interrogation is not required.

7. On the other hand, learned APP opposed the application. It was contended that the allegations are serious. Two witnesses have referred to the applicant's role, and therefore, custodial interrogation is necessary for the effective completion of investigation.

8. I have considered the material placed on record, the submissions advanced by both sides, and the nature of allegations. The incident in question appears to have arisen out of a sudden quarrel between the garage workers and the persons running a nearby food stall. The prosecution case indicates that the main role in the assault has been attributed to accused No.1, Prem Bhalekar, and his associates. The allegations against the present applicant are general in nature, without any specific overt act being described.

9. The FIR lodged by the informant, who was himself injured, does not mention the name of the present applicant. His involvement is stated for the first time through statements of two

witnesses recorded subsequently.

10. The investigation in the matter is complete and the charge-sheet has been filed. Therefore, the custodial interrogation of the applicant is no longer necessary. The purpose of arrest at this stage would only be punitive. The applicant has no criminal antecedents and has cooperated with the investigation.

11. Considering the nature of allegations, the stage of proceedings, and absence of any likelihood of tampering with evidence or influencing witnesses, the applicant deserves protection from arrest. The offences alleged are not punishable with death or life imprisonment. The apprehension expressed by the prosecution can be safeguarded by imposing appropriate conditions.

12. Hence, following order:

- a)** In the event of arrest in connection with Crime Register No.290 of 2024 registered with Kalamboli police station, for offences punishable under Sections 118(2), 118(1), 115(2), 351(2), 352, 3(5) of BNS, the applicant be released on bail on furnishing PR. bond of Rs.15,000/-, along with one or two sureties in the like amount.
- b)** The applicant shall remain present before the concerned police station as and when called by the investigating officer.
- c)** The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted

with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

13. Accordingly, the Anticipatory Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)