



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

ANTICIPATORY BAIL APPLICATION NO. 330/2025

KANCHAN MAHESH THAKUR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Prasad P. Sawant for the applicant.
Mr. Amit A. Palkar, APP for State.
Mr. Jitendra Tiwari for the original complainant.
API J. D. Thakur, Bolinj Police Station, Vasai.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 7, 2025.

P.C. :

1. This application is filed by the applicant for anticipatory bail as per Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C.R.No.6/2024 registered with Bolinj Police Station for the offence punishable under Sections 118(1), 304, 115(1), 189(2), 118(4), 190, 332, 351(3), 54, 324(2) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the informant runs a Hotel by name and style 'Haweli'. On 16th October 2024, about 10.40 p.m., the Hotel Manager came out of family section and told the

informant/owner that four to five persons were having drinks and dinner, and they are demanding mike for signing. Though they were told that such mike cannot be given to the customers, the said persons started threatening to the Manager. The informant, therefore, instructed his manager not to go to that section to avoid any kind of dispute. Thereafter, out of the said four persons, two persons came out and started threatening the informant and the Manager using abusive language. One of such persons pushed the informant and started assaulted him by fist and kick blows. Soon thereafter, a mob of around thirty to thirty-five persons led by one Kanchan Thakur (the present applicant) came at the Hotel and out of the total thirty to thirty-five persons, around fifteen to twenty persons started assaulting the informant by glass, plate, chair, etc. At that time, the younger brother of the informant came to the Hotel in order to calm the situation, however, the younger brother of the informant was also assaulted by the persons who had come along with the present applicant. In fact, the applicant started instigating those people and also was saying to the mob that 'kill these people'. The friend of the applicant was also present at the site, and he also started assaulting the informant and his staff. During such scuffle, the gold chain of the informant was broken, and the accused tried to snatch the said chain.

The diamond locket of the said gold chain was snatched by the accused and the furniture of the Hotel has been damaged by the accused. Hence, the FIR has been lodged against the accused persons.

3. The learned counsel for the applicant submits that the applicant was not the person who was sitting in the Hotel and having dinner. The applicant came at the site after he heard some kind of clash that had arisen at the Hotel. The applicant's intention was to resolve the issue. He therefore, submitted that the applicant, who is coming from a good background, the anticipatory bail should be granted, and he should be protected. He will co-operate with the police.

4. The learned APP submits that the applicant, who is the person who actually instigated the mob to assault the informant and his staff. The ruckus which was created, was at the instigation of the present applicant. The furniture of the Hotel was damaged. The informant and his personnel were hit by the mob which was led by the present applicant. There are three criminal antecedents reported against the applicant. The applicant is a local leader of a political party. The CCTV footage clearly shows that it is the applicant who is instigating the people to hit the informant. Therefore, the custody of

the present applicant is necessary. The learned APP submits that yesterday one of the accused persons who is the friend of the present applicant has been arrested by the police and the investigation is on going.

5. The learned counsel appearing for the original informant has informed this Court that the present applicant is a person because of whom the people started hitting the informant and the staff. A large amount of damage is done to the Hotel. The CCTV footage speaks for itself. Therefore, the person who has three more offences registered against him should not be spared and there is a apprehension that if he is released on anticipatory bail, he will threaten the informant and his staff.

6. I have considered the submissions of the learned counsel for the applicant, the learned APP for the State and the learned counsel for the original complainant. I have also gone through the FIR. The learned APP has produced photographs which were taken from the CCTV footage. *Prima facie*, looking at the photographs, it seems that it is the present applicant who has instigated the mob. The applicant is a person against whom there are three more offences registered. The learned counsel appearing for the applicant submitted that the

applicant is a political leader of a party. The gold chain of the informant was pulled by the applicant and the diamond from the said chain has not been found. It is the applicant who has instigated the mob by saying “kill these people”. If the applicant was not having the dinner at the Hotel, he had no reason to come to the Hotel along with thirty to thirty-five persons. Taking into account over all conduct of the applicant, there is no merit in the present application. **The same is rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)