



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

ANTICIPATORY BAIL APPLICATION NO. 354/2025

SHAILENDRA @ ROSHAN CHANDRAMANI

MISHRA AND ANR.

..APPLICANTS

VS

STATE OF MAHARASHTRA

..RESPONDENT

Adv. Kusum Pandey for the applicants.

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

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 20, 2025.

P.C. :

1. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with First Information Report (FIR) No. 17/2025 registered with Naigaon Police Station, District Mira-Bhayandar, Vasai-Virar, for the offence punishable under Sections 118(1), 115(2), 352, 324(4), 189(1), 189(2), 191(2) 190 of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution as recorded in the statement which is a part of the FIR that on 11/1/2025, the informant along

with his female friend had been to a Hotel for celebrating the birthday where the accused persons who are known to them along with certain unknown persons were already in the said Hotel. One of them was smoking a cigarette and wearing a white shirt, blowing cigarette smoke into the face of the lady. The quarrel took place and the hotel manager requested the informant and his female friend to leave the hotel. As they went outside the Hotel, all the accused followed them and started abusing and hitting the informant and also the female friend of the informant. The applicant no.2 hit the informant with a beer bottle on his head. A wooden stick was also used to hit the informant by one of the accused. Pursuant to which the present informant has filed the FIR.

3. It has been argued before me by the learned counsel appearing for the applicants that the applicants do not have any criminal record, and they are ready to abide by the conditions put by this Court. It is submitted that in a sudden heat moment, the incident took place. The applicants were known to the informant. Even though the notice was received under Section 35(3) of the Bharatiya Nyaya Sanhita, 2023, but the applicants did not attend the concerned police station as they had an apprehension that they would be arrested. The applicants are ready to attend the concerned police station as and when called for.

4. The learned APP appearing for the State submits that the conduct of the present applicants has to be seen. The informant was with a female friend when the incident took place. One accused person had blown cigarette smoke on the face of the female friend of the informant. Six accused persons together started hitting the informant outside the hotel and one of them even hit the female friend. Due to the hit, the female friend lost her mobile phone and gold earrings. The present applicant no.2 hit the informant with a beer bottle on his head. Even though the notice was issued under Section 35(3) of the Bharatiya Nyaya Sanhita, 2023, the applicants did not attend the concerned police station neither they have filed any reply to the said notice. The custody of the applicants is necessary as they have not co-operated with the police. The informant was seriously injured as there were stitches on his head due to applicant no.2 hit the informant with a beer bottle.

5. I have heard the learned counsel for the applicants and the learned APP appearing for the State.

6. The present applicants are the accused of an offence along with their four other friends of abusing, hitting and using filthy and dirty language against the informant and his female friend. One of the

accused had blown a cigarette smoke on the face of the informant's female friend due to which there was a verbal scuffle between the informant and the applicants and other co-accused. All the six accused persons started hitting the informant, and they did not even spare the female friend of the informant. A beer bottle was hit on the head of the informant by the applicant no.2. The informant received injuries and thereby at least four stitches as per the learned counsel appearing for applicants. The informant was also hit by a wooden stick. The said wooden stick was not recovered by the I.O. as of now. The I.O. had issued a notice u/s. 35(3) of the Bharatiya Nyaya Sanhita, 2023 but the present applicants have not bothered to attend the office of the I.O. neither they have filed any kind of reply to the said notice. The present applicants and other co-accused are not co-operating with the investigation. Taking into consideration that the offence is also against a lady, I find no merits in the present anticipatory bail application and the same deserves to be rejected.

7. The anticipatory bail application stands rejected and disposed of accordingly.

(RAJESH S. PATIL, J.)