



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

ANTICIPATORY BAIL APPLICATION NO. 470/2025

SUDHIR KISHOR PATIL @ MANTRI ..APPLICANT
VS
STATE OF MAHARASHTRA ..RESPONDENT

Adv. Neha Rane a/w. Adv. Gaurav Ombale i/b. Adv. Prasad Panchal
for applicant.

Mr. Ajay S. Patil, APP for State.

PSI Sachin Sonawane, Charkop Police Station.

PSI Maruti Hirve (Pairavi), Charkop Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : FEBRUARY 20, 2025.

P.C. :

1. This is an application for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in respect of the C.R. No. 19/2025 registered with Charkop Police Station, Mumbai, for the offence punishable under Sections 110, 115(2), 118(1), 3(5), 324(4), 352 of the Bharatiya Nyaya Sanhita, 2023, on 11th January 2025.

2. The present application is filed by the accused no.2. By an order dated 4/2/2025 passed in Anticipatory Bail Application No. 325/2025 in the matter of accused no.1 this Court had allowed the

application for pre-arrest bail on certain conditions. For ease of reference, the order is reproduced hereinbelow:-

1. This is an application for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in respect of the C.R. No. 19/2025 registered with Charkop Police Station, Mumbai, for the offence punishable under Sections 110, 115(2), 118(1), 3(5), 324(4), 352 of the Bharatiya Nyaya Sanhita, 2023, on 11th January 2025.

2. It is the case of the prosecution that on 9th January 2025, at 4:00 a.m., the first informant, who is a police official, was taking a walk at Raje Shivaji Maidan, behind the society where he resides. At that time, the present applicant approached and started arguing with the informant. As the argument escalated into a heated exchange of words, the present applicant, who is accused No. 1, called his two friends. The three of the accused, thereafter, started abusing the informant and in fact they physically assaulted the informant and the present applicant (accused no.1) picked up a stone and was attempting to hit the informant on his forehead, however, the informant saved himself. But, the stone injured on his hand. It is the case of the prosecution that by the said stone the applicant hit the informant on face, chest and stomach. All the three persons who were abusing the informant, are arraigned as the accused. Accused nos. 2 and 3 Sudhir and Bhagesh are absconding. As regards the present applicant, who is arraigned as accused no.1, had applied for the anticipatory bail in the Sessions Court at Dindoshi. The learned Sessions Judge by his order dated 24th January 2025 rejected the anticipatory bail application of the present applicant.

3. The learned counsel for the applicant submits that the incident allegedly happened on 9th January 2025, at 4.00 a.m. and if it is considered that the informant was a police official who is well versed with law, the FIR was lodged by him only on 11th January 2025, at 23:24 hours which is approximately after sixty hours. Therefore, the motive of filing of the FIR should be considered by this Court and there is no need to take the present applicant in custody. Therefore, the learned counsel for the applicant prayed to grant anticipatory bail to the applicant.

4. The learned APP appearing for the State submits that the informant is the police official and he was taking a walk in the morning at 4.00 a.m. when the present applicant came in the said garden and stated abusing the informant. The learned APP submits that the medical report of the informant shows that there is abrasions on the nose and the forehead. He further submits that there is one more case registered against the present applicant under the Narcotic Drugs and Psychotropic Substances Act, 1985. He further submits that the custody of the applicant is required in order to take more information about two other accused and if he is released on anticipatory bail, there is likelihood to tamper prosecution witnesses.

5. I have gone through the copy of the FIR. It seems that in a heat of argument between the informant and the present applicant at 4.00 a.m. the alleged incident happened. As per the learned counsel for the applicant, the accused no.1 was in the garden during the early hours because cricket matches had been played the previous night. In fact the applicant was calling his friend, accidentally the informant thought that the present applicant is calling him. There was identity mistake because of which alleged incident occurred. There was no motive of the present applicant to attract the offences punishable under Sections 110, 118(1) of the Bharatiya Nyaya Sanhita. The learned counsel for the applicant also submitted that the applicant in fact comes from the very humble background and he is working with a person who sells vada-pav on cart. In view of the above, the case is made to grant anticipatory bail to the present applicant. Hence, the following order:-

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R. No. 19/2025 registered with Charkop Police Station, Mumbai, for the offence punishable under Sections 110, 115(2), 118(1), 3(5), 324(4), 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant shall be released on bail on furnishing P.R. bond to the extent of Rs. 30,000/- with one or more sureties of the like amount.

(c) The applicant shall report to the concerned investigating officer, when the need arises according to investigation.

(d) The applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

3. According to me, the case is made out to allow this application on the same conditions. Hence, the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with C.R. No. 19/2025 registered with Charkop Police Station, Mumbai, for the offence punishable under Sections 110, 115(2), 118(1), 3(5), 324(4), 352 of

the Bharatiya Nyaya Sanhita, 2023, the applicant shall be released on bail on furnishing PR. bond to the extent of Rs. 30,000/- with one or more sureties of the like amount.

(c) The applicant shall report to the concerned investigating officer, when the need arises according to investigation.

(d) The applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(RAJESH S. PATIL, J.)